3761

THE

PUBLIC GENERAL STATUTES

PASSED IN THE

FORTY-FIFTH AND FORTY-SIXTH YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

1882:

WITH

A COPIOUS INDEX, TABLES,

&c.

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A

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OF

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c. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Calne Water, Cromer Water, Denbigh Water, and Kenilworth Water.

ci. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Birmingham and Aston Tramways, Birmingham and Suburban Tramways, Birmingham and Western Districts Tramways, Manchester, Bury, and Rochdale Tramways (Extensions), and Walsall and District Tramways.

cii. An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act, 1870 to enable the School Boards for West Ham (Essex) and Terrington St. John (Norfolk) to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

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clxviii. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Bridlington, Broadstairs, Carnlough, Holywood, Johnshaven, Kettletoft, Penmaenmawr, Plymouth, Seabrook, Southend, Stonehaven, Weymouth, and Worthing (West).

clxix. An Act to confirm a Provisional Order of the Local Government Board under the provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Local Government District of Upper Sedgley.

clxx. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Bury (two), the Godalming Main Sewerage District, and the Local Government Districts of Marsden and Northwich.

ccxxi. An Act to amend the Limerick Harbour (Composition of Debt) Act, 1867, in relation to Wellesley Bridge.

THE

PUBLIC GENERAL STATUTES.

45 VICTORIA.

BENGAL SECRETARIAT LIBRARY

CHAPTER 1.

An Act to apply the sum of Three hundred and thirteen thousand two hundred and seventy pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-two. [13th March 1882.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 313,270*l.* out of the Consolidated Fund for the service of the year ending 31st March 1882.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-two, the sum of three hundred and thirteen thousand two hundred and seventy pounds.

Power to the Treasury to borrow.

2. The Commissioners of the Treasury may borrow from time to time on the credit of the said sum any sum or sums not exceeding in the whole the sum of three hundred and thirteen thousand two hundred and seventy pounds, and shall repay the moneys so borrowed with interest not exceeding five pounds per centum per annum out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title.

3. This Act may be cited as the Consolidated Fund (No. 1) Act, 1882.

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CHAPTER 2.

An Act to authorise the use of Reply Post Cards.

[13th March 1882.]

38 & 39 Vict. c. 22.

WHEREAS the Post Office Act, 1875, authorised the Treasury from time to time by warrant to fix the rates of postage to be charged by or under the authority of the Postmaster-General in respect (among other postal packets) of post cards, conveyed or delivered for conveyance by post, whether in the United Kingdom or elsewhere, subject to the proviso (among others) that the highest rate for an inland post card shall not exceed one halfpenny:

And whereas it is proposed to issue such reply post cards as herein-after mentioned, and doubts have arisen as to the power to issue the same, and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the Post Office (Reply Post Cards) Act, 1882, and this Act may be cited together with the Post Office (Duties) Acts, 1840 to 1875, as the Post Office (Duties) Acts, 1840 to 1882.

Acts not to prevent issue of reply post cards

2. Nothing in the Post Office (Duties) Acts, 1840 to 1875, or any of them, shall be deemed to prevent the issue of a reply post card, or the fixing of a rate of postage for a reply post card not exceeding double the rate charged for an ordinary post card.

A "reply post card" means a post card of such a character that the person receiving the same through the post may without further payment again transmit the same or a part thereof through the post.

A reply post card or any part thereof which may be again transmitted through the post without further payment shall be deemed to be a postal packet within the meaning of the above-mentioned Acts.

CHAPTER 3.

An Act to amend the Law relating to the use of Gunpowder in Slate Mines. [29th March 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Title of Act.

1. This Act may be cited as the Slate Mines (Gunpowder) Act, 1882.

Power to exempt slate mines from certain regulations relating to the use of explosives

2. (1.) It shall be lawful for one of Her Majesty's Principal Secretaries of State, if he shall think fit, from time to time, on the application of the owner, agent, or manager of any slate mine, to exempt such mine from the general rule contained in sub-section two of section twenty-three of the Metalliferous Mines Regulation Act, 1872, with respect to the use of gunpowder or other explosive substances, or any portion of such rule

(2.) The application shall be transmitted by the owner, agent, or manager to the inspector of the district, and the requirements of sections twenty-four and twenty-eight of the Metalliferous Mines Regulation Act, 1872, as to the posting of any proposed special rule shall extend to any such application: Provided that the exemption shall not come into force until granted by the Secretary of State. 35 & 36 Vict. c. 77.

(3.) The Secretary of State may at any time revoke such exemption, but such revocation shall not come into force until written or printed notice thereof has been posted up at the mine for twenty-four hours.

(4.) A list of the exemptions granted or revoked under this Act shall be set forth by the inspector of the district in his annual report.

CHAPTER 4.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, and one thousand eight hundred and eighty-three.

[29th March 1882.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 424,844*l.* 14*s.* 10*d.* out of the Consolidated Fund for the service of the years ending 31st March 1881 and 1882.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the years ending on the thirty-first day of March one thousand eight hundred and eighty-one and one thousand eight hundred and eighty-two, the sum of four hundred and twenty-four thousand eight hundred and forty-four pounds fourteen shillings and tenpence.

Issue of 6,793,498*l.* out of the Consolidated Fund for the service of the year ending 31st March 1883.

2. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-three, the sum of six million seven hundred and ninety-three thousand four hundred and ninety-eight pounds.

Power to the Treasury to borrow.

3. The Commissioners of the Treasury may borrow from time to time, on the credit of the said sums, any sum or sums not

exceeding in the whole the sum of seven million two hundred and eighteen thousand three hundred and forty-two pounds fourteen shillings and tenpence, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said sums were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title.

4. This Act may be cited as the Consolidated Fund (No. 2) Act, 1882.

CHAPTER 5.

An Act to enable Her Majesty to provide for the Establishment of His Royal Highness the Duke of Albany and Her Serene Highness Princess Helen Frederica Augusta of Waldeck and Pyrmont, and to settle an Annuity on Her Serene Highness.

[21st April 1882.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, having taken into consideration Your Majesty's most gracious message that Your Majesty has agreed to a marriage proposed between Your Majesty's fourth son His Royal Highness Leopold George Duncan Albert Duke of Albany and Her Serene Highness the Princess Helen Frederica Augusta, fourth daughter of His Serene Highness the Reigning Prince of Waldeck and Pyrmont, do most humbly beseech Your Majesty that it may be enacted:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power for Her Majesty to grant an additional annuity of ten thousand pounds for life to Prince Leopold George Duncan Albert Duke of Albany.

1. It shall be lawful for Her Majesty in order to provide for the establishment of His Royal Highness Prince Leopold George Duncan Albert Duke of Albany and Her Serene Highness Princess Helen Frederica Augusta of Waldeck and Pyrmont, by letters patent under the great seal of the United Kingdom of Great Britain and Ireland, to grant unto His said Royal Highness, or to such persons as Her Majesty may think fit to name in the said letters patent, on trust for His said Royal Highness, and subject to such conditions as Her Majesty may direct, an annuity of ten thousand pounds for life; such annuity to commence from the date of the marriage of His said Royal Highness, and to be paid quarterly on the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October, and to be in addition to the annuity heretofore granted to him by Parliament.

2. The first payment of such portion of the said annuity as may have accrued between the date of the said marriage and the first of the said quarterly days which happens after the said marriage shall be made on such last-mentioned quarterly day, and a proportionate part shall be payable for the period between the last quarterly day of payment and the date of the determination thereof: provided that in the event of His said Royal Highness succeeding to any sovereignty or principality abroad, it shall be lawful for Her Majesty or her successors, with the consent of Parliament, to revoke or reduce the said annuity by warrant under the sign manual.

Payment of proportionate part of annuity.

3. It shall be lawful for Her Majesty or her successors, by letters patent under the great seal of the United Kingdom of Great Britain and Ireland, to grant to Her said Serene Highness in case of her surviving His said Royal Highness, or to such persons as Her Majesty or her successors may think fit to name in the said letters patent, on trust for Her said Serene Highness in the event of her so surviving, an annuity of six thousand pounds, to commence from the date of the death of His said Royal Highness and to continue from thenceforth during the life of Her said Serene Highness, and to be payable on the quarterly days aforesaid, the first payment to be made on such of the said quarterly days as happens next after the death of His said Royal Highness of such portion of the said annuity as may have accrued between the date of the said death and the said quarterly day; and a proportionate part thereof to be payable for the period from the last quarterly day of payment to the date of the determination thereof.

Power for Her Majesty to grant an annuity of six thousand pounds to Her said Serene Highness in the event of her surviving His Royal Highness the Duke of Albany.

4. The annuities granted in pursuance of this Act shall, if Her Majesty think fit so to direct, be personal and inalienable provisions, and the same shall be charged on and payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the growing produce thereof, after paying and reserving sufficient to pay such sums as may have been directed to be paid out of the said fund by former Acts of Parliament, but with preference to all other payments which may hereafter be charged on the said fund.

Annuities granted by this Act to be charged on the Consolidated Fund.

5. This Act may be cited as the Duke of Albany (Establishment) Act, 1882.

Short title.

CHAPTER 6.

An Act to amend the law in regard to Householders under the General Police and Improvement Acts in Scotland.

[28th April 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the General Police and Improvement (Scotland) Act, 1882.

Short title.

Interpretation. 25 & 26 Vict. c. 101. 31 & 32 Vict. c. 102.

2. The expression "the General Police and Improvement Acts" means and includes the Act thirteen and fourteen Victoria, chapter thirty-three, the General Police and Improvement (Scotland) Act, 1862, the General Police and Improvement (Scotland) Act, 1862, Amendment Act, and any Acts amending the same.

"Householder" to include male and female occupiers of 4*l.* and upwards.

3. Section three of the General Police and Improvement (Scotland) Act, 1862, Amendment Act is hereby repealed, and in lieu thereof it is enacted as follows: The word "householder" in the General Police and Improvement Acts means and includes "a male "occupier of lands or premises of the yearly value of four pounds "and upwards as appearing on the valuation roll," and also "a "female occupier of lands or premises as aforesaid who is not "married, or being married does not live in family with her "husband": Provided always, that no female shall be eligible for election as a commissioner or trustee of police.

Wherever words occur in the General Police and Improvement Acts which import the masculine gender, the same shall be held to include females for the purposes of this Act.

CHAPTER 7.

An Act to provide, during twelve months, for the Discipline and Regulation of the Army. [28th April 1882.]

WHEREAS the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by Her Majesty, and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom, and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and thirty-two thousand nine hundred and five men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment

of his peers, and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert Her Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act, 1881, will expire— 44 & 45 Vict. c. 58.

(*a.*) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April one thousand eight hundred and eighty-two; and

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July one thousand eight hundred and eighty-two; and

(*c.*) Elsewhere, whether within or without Her Majesty's dominions, on the thirty-first day of December one thousand eight hundred and eighty-two:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Army (Annual) Act, 1882. Short title.

2. The Army Act, 1881, shall be and remain in force during the periods herein-after mentioned, and no longer, unless otherwise provided by Parliament; that is to say, Army Act (44 & 45 Vict. c. 58.) to be in force for specified times.

(1.) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand eight hundred and eighty-two to the thirtieth day of April one thousand eight hundred and eighty-three, both inclusive; and

(2.) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand eight hundred and eighty-two to the thirty-first day of July one thousand eight hundred and eighty-three, both inclusive; and

(3.) Elsewhere, whether within or without Her Majesty's dominions, from the thirty-first day of December one thousand eight hundred and eighty-two to the thirty-first day of December one thousand eight hundred and eighty-three, both inclusive;

and the day from which the Army Act, 1881, is continued in any place by this Act is in relation to that place referred to in this Act as the commencement of this Act.

The Army Act, 1881, while in force shall apply to persons subject to military law, whether within or without Her Majesty's dominions. 44 & 45 Vict. c. 58.

A person subject to military law shall not be exempted from the provisions of the Army Act, 1881, by reason only that the number 44 & 45 Vict. c. 58.

of the forces for the time being in the service of Her Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned.

Prices in respect of billeting. 44 & 45 Vict. c. 58.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act, 1881, the prices specified in the Schedule to this Act.

Amendments of Army Act, 1881.

Correction of misprints in 44 & 45 Vict. c. 58.

4. Whereas the misprints herein-after mentioned occur in the Army Act, 1881, and it is expedient to correct the same:

Be it therefore enacted as follows:

(1.) In section forty-six of the Army Act, 1881, the words "imprisonment exceeding seven days" shall be substituted for the words "punishment exceeding seven days," in the ninth sub-section.

(2.) In section eighty-seven of the Army Act, 1881, the words "a proclamation in pursuance of the enactments relating to the "calling out of the reserve on permanent service" shall be substituted for "a proclamation in pursuance of this Act" in the first sub-section.

(3.) In section one hundred and thirty-eight of the Army Act, 1881, "section seventy-three" shall be substituted for the words "section seventy-one" in the third sub-section.

(4.) In section one hundred and forty-four of the Army Act, 1881, the words "respecting his contract" shall be substituted for the words "respecting his conduct," in the second sub-section.

(5.) In section one hundred and forty-five of the Army Act, 1881, the words "when any order or decree" shall be substituted for the words "when any order, decree," in the second sub-section.

(6.) In section one hundred and seventy-five of the Army Act, 1881, the words "Indian military law" shall be substituted for the words "that law" in the seventh sub-section.

Removal of doubts as to s. 90 (5) of 44 & 45 Vict. c. 58. as to discharged soldiers.

5. Whereas doubts may arise as to whether sub-section five of section ninety of the Army Act, 1881, applies to all soldiers of the regular forces when discharged, or only to such of those soldiers as are specified in the foregoing provisions of that section, and it is expedient to remove such doubts: Be it therefore enacted as follows:

In section ninety of the Army Act, 1881, the words "as mentioned in the second sub-section of this section" shall be added after the words "or his re-engagement" in the fifth sub-section.

Printing of amendments. See 33 & 34 Vict. c. 101.

6. In all copies of the Army Act, 1881, which may be printed after the commencement of this Act the words by this Act directed to be substituted for other words shall be printed therein in lieu of the latter words, and the words directed by this Act to be added shall be added thereto.

SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where hot meal furnished.	Twopence halfpenny per night.
Hot meal as specified in Part I. of the Second Schedule to the Army Act, 1881.	One shilling and one penny halfpenny each.
Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Fourpence per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Lodging and attendance for officer - -	Two shillings per night.

Note.—An officer shall pay for his food.

CHAPTER 8.

An Act to apply the sum of nine million two hundred and eighty-two thousand four hundred and thirty-five pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-three. [19th May 1882.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 9,282,435*l.* out of the Consolidated Fund for the service of the year ending 31st March 1883.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-three, the sum of nine million two hundred and eighty-two thousand four hundred and thirty-five pounds.

Power to the Treasury to borrow.

2. The Commissioners of the Treasury may borrow from time to time, on the credit of the said sum, any sum or sums not exceeding in the whole the sum of nine million two hundred and eighty-two thousand four hundred and thirty-five pounds, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title.

3. This Act may be cited as the Consolidated Fund (No. 3) Act, 1882.

CHAPTER 9.

An Act to amend the Documentary Evidence Act, 1868, and other enactments relating to the evidence of documents by means of copies printed by the Government Printers. [19th June 1882.]

31 & 32 Vict. c. 37. 33 & 34 Vict. c. 75. s. 83 33 & 34 Vict. c. 79. s 21 34 & 35 Vict. c. 70. s. 5. 40 & 41 Vict. c. 21 s. 91. 40 & 41 Vict. c. 53. s. 58.

WHEREAS by the Documentary Evidence Act, 1868, and enactments applying that Act, divers proclamations, orders, regulations, rules, and other documents may be proved by the production of copies thereof purporting to be printed by the Government Printer, and the Government Printer is thereby defined to mean and include the Printer to Her Majesty:

And whereas divers other enactments provide that copies of Acts of Parliament, regulations, warrants, circulars, gazettes, and other documents shall be admissible in evidence if purporting to be printed by the Government Printer, or the Queen's Printer, or a printer authorised by Her Majesty, or otherwise under the authority of Her Majesty:

And whereas it is expedient to make further provision respecting the printing of the copies aforesaid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Documentary Evidence Act, 1882.

Documents printed under superintendence of Stationery Office receivable in evidence.

2. Where any enactment, whether passed before or after the passing of this Act, provides that a copy of any Act of Parliament, proclamation, order, regulation, rule, warrant, circular, list, gazette, or document shall be conclusive evidence, or be evidence, or have any other effect, when purporting to be printed by the Government Printer, or the Queen's Printer, or a printer authorised by Her Majesty, or otherwise under Her Majesty's authority, whatever may be the precise expression used, such copy shall also be conclusive evidence, or evidence, or have the said effect (as the case may be) if it purports to be printed under the superintendence or authority of Her Majesty's Stationery Office.

Penalty for forgery.

3. If any person prints any copy of any Act, proclamation, order, regulation, royal warrant, circular, list, gazette, or document which falsely purports to have been printed under the superintendence or authority of Her Majesty's Stationery Office, or tenders in evidence any copy which falsely purports to have been printed as aforesaid, knowing that the same was not so printed, he shall be guilty of felony, and shall, on conviction, be liable to penal servitude for a term

not exceeding seven years, or to be imprisoned for a term not exceeding two years, with or without hard labour.

4. The Documentary Evidence Act, 1868, as amended by this Act, shall apply to proclamations, orders, and regulations issued by the Lord Lieutenant or other chief governor or governors of Ireland, either alone or acting with the advice of the Privy Council in Ireland, as fully as it applies to proclamations, orders, and regulations issued by Her Majesty. Application of Act to Ireland.

In the same Act, the term "the Privy Council" shall include the Privy Council in Ireland, or any committee thereof.

In the same Act, and in this Act, the term "the Government Printer" shall include any printer to Her Majesty in Ireland and any printer printing in Ireland under the superintendence or authority of Her Majesty's Stationery Office.

CHAPTER 10.

An Act for making provision for facilitating the Manœuvres of Troops to be assembled during the present Summer.

[19th June 1882.]

WHEREAS it is intended that during the present summer a large body of troops should be assembled for the purposes of military instruction within the area described in the schedule hereto, which area is herein-after referred to as the limits of this Act:

And whereas it is expedient that provision should be made for facilitating the exercise of the said troops, and for making compensation to persons whose lands may be damaged by the passage of such troops, and for other purposes connected with such assemblage of troops:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Military Manœuvres Act, 1882. Short title.

Regulations as to the forces.

2. Within the limits of this Act the forces to which this Act applies, in this Act referred to as "the forces," with their arms, munitions of war, and stores, may pass over any unenclosed or any authorised enclosed lands, whether public or private, and may execute military manœuvres on such lands. They may also encamp on any unenclosed lands, and for the purpose of any encampment, or for military exercises, dig trenches and throw up temporary field works on any such lands. The forces may supply themselves with water from any authorised sources of water, and may, for the purpose of obtaining such supply, dam up any running water, use any private or occupation roads, and do all such other acts and things as may be required. Passage of forces over lands.

3. Nothing in this Act contained shall empower the forces to enter upon or interfere with any dwelling-house, farmyard, garden, orchard, Lands closed against passage of forces.

pleasure ground, nursery ground, park, or any premises enclosed within the curtilage of or attached to any dwelling-house, or any lands bearing roots or standing crops, or any underwoods, or any enclosed lands, except enclosed lands which may be declared to be lands on which the forces are authorised to enter, in this Act referred to as authorised enclosed lands.

Compensation for damage done by forces.

4. Full compensation shall be made, out of moneys to be provided by Parliament, for any damage that may be caused to any lands within the limits of this Act, by or in consequence of the forces, or the strangers accompanying such forces, passing over or occupying such lands; and the amount of compensation payable to any person entitled to such compensation shall, if disputed, in each case of damage be determined as herein-after mentioned; but no person belonging to the forces shall be liable to any action, suit, indictment, or other legal proceeding in respect of any trespass committed by him upon or damage done to land situate within the limits of this Act.

Commission for declaring what lands to be authorised for purposes of Act, and making regulations.

5. A commission shall be formed, consisting of the Lords Lieutenant of the respective counties of Berks, Hants, and Surrey, and the members representing in this present Parliament the county of Berks, the Northern Division of the county of Hants, and the Western Division of the county of Surrey, respectively; and one of Her Majesty's Principal Secretaries of State may from time to time, by writing under his hand, add to their number, or fill up any vacancy occasioned in their number by the death, resignation, or unwillingness to act of any member of such commission. The commission shall make such rules as to their places and times of meeting, their quorum at meetings, and their modes of procedure, as they think fit. Every question shall be decided by a majority of the votes of the members of the commission voting on that question

The officer in command of the forces, and the said commission, in this Act called the consultative commission, shall from time to time by order authorise anything by this Act directed or permitted to be authorised, and in particular declare what enclosed lands are to be deemed to be authorised lands for the purposes of this Act, and what sources of water are to be deemed authorised sources of water. The said officer and commission may also by order make regulations with respect to the protection of cattle and sheep by securing the same in folds or farmyards, and with respect to any other matter or thing which they may deem essential for the purpose of preventing damage to property and for the more efficiently carrying into effect the purposes of this Act.

Public notice shall be given, in such manner as may be directed by the consultative commission, of any regulation made in pursuance of this Act for the protection of any cattle, sheep, or other property, and no person who neglects to comply with any regulations so made in relation to his property shall be entitled to claim compensation in respect of any damage caused to such property in consequence of his having been guilty of such neglect as aforesaid.

The consultative commission may from time to time delegate any of the powers by this Act given to them to any committee or committees consisting of two or more of their number, and any such committee or committees shall from time to time attend upon

and be in communication with the officer commanding the forces, or any officer or officers deputed by him, during the time such forces are assembled in pursuance of this Act.

Any powers by this Act given to the consultative commission and the officer in command of the forces of making any order or doing any other act or thing may be exercised on behalf of the commission by any member or members of such commission to whom such powers may from time to time be delegated by the commission, and on behalf of the officer in command of the forces by any officer or officers from time to time deputed by him for the purpose; and for the purpose of facilitating the exercise of the powers conferred by this Act on such commission and officer in command, the said commission and officer shall make arrangements for securing the attendance of a sufficient number of members of the said commission at such places and with such bodies of troops as may be agreed upon, with the view of the members so in attendance acting for the purposes of this section in conjunction with the officer in command of the forces or any officers deputed by him.

Any order made in pursuance of this Act in relation to lands or any local matter may describe such lands or matter by reference to a map or in any other convenient manner, and any order declaring what lands are to be deemed authorised enclosed lands may either describe the lands so authorised, or may declare all the lands within the limits of this Act, or within any particular area with the specified exceptions, to be authorised enclosed lands. Any order declaring what sources of water are to be deemed authorised sources of water may either describe the sources so authorised, or may declare all the sources of water within the limits of this Act or any part thereof, with the specified exceptions, to be authorised sources of water.

Any order made under this Act may be altered or amended, or a new order made in lieu thereof.

Mode of determining the compensation payable in respect of damage by passage of forces.

6. The following enactments shall be made with respect to compensation for damage under this Act:

(1.) The Treasury shall appoint a fit person, in this Act called the compensation officer, whose duty it shall be, immediately the forces have ceased to occupy or pass over any part of the land within the limits of this Act, to ascertain the damage done, and, as far as practicable, to settle summarily by agreement the amount of compensation, in which case the compensation officer shall either cause the compensation to be paid at once, or shall give a writing to the person entitled, stating the amount to be paid, and the place and date at which the same will be paid, such date not being later than thirty days from the time at which such writing is given:

(2.) The mode in which claims of compensation are to be sent to the compensation officer shall be notified within the limits of the Act in manner directed by the consultative commission. Every claim for compensation shall be sent to the compensation officer immediately after the forces have ceased to occupy or pass over the land in respect of which compensation is claimed, and at the latest within one week after the damage is done:

(3.) Compensation may be paid to the person in actual occupation of the land in respect of which it is claimed, or, in case of his absence or inability, to his wife or some member of his family, or to his steward, or other person acting for him in the cultivation and management of the land, whose receipt shall be a complete discharge for the damage in respect of which the compensation is paid:

(4.) The Treasury may, if they think fit, appoint two or more persons to be compensation officers, and each of the persons so appointed shall perform the duties and have the powers by this Act conferred on the compensation officer:

(5.) If the compensation officer fails to settle any claim for compensation, or is unable to decide the person to whom compensation is payable, the case shall be referred by him to the court of arbitration established under this Act, with a statement by the compensation officer of what he considers a fair compensation for the damage done:

(6.) A court of arbitration shall, if required, be formed, consisting of three persons, one of whom shall be named by the consultative commission, in writing under the hands of any two or more of the members of that commission, one by the Treasury, and the third by the two persons already named in writing under their hands, or, in case of their failure to agree as to such appointment within six days, by the chief justice of the Queen's Bench Division of Her Majesty's High Court of Justice:

(7.) Any vacancy in the office of any member of the court of arbitration occasioned by death, resignation, unwillingness to act, or otherwise, shall be filled up by the authority which appointed the vacating member in the same manner in which the vacating member was appointed:

(8.) There shall be paid to the members of the court of arbitration such compensation as the said Secretary of State may, with the approval of the Treasury, determine:

(9.) The court of arbitration shall have full power to decide all questions whatsoever, whether of law or fact, which it may be necessary to decide for the purpose of awarding compensation under this Act, and in particular to decide in any case of alleged damage to lands whether such damage was or was not caused by or in consequence of the forces, or the strangers accompanying such forces, passing over or occupying such lands, and also (if such damage was so caused) to determine the person entitled to receive compensation for such damage; and the court of arbitration shall not be subject to be restrained in the due execution of its powers by the order of any court, nor shall any proceedings before it be removed by certiorari into any court, nor shall any award by it be set aside:

(10.) The court of arbitration may examine witnesses on oath, and shall for that purpose have power to administer an oath and with respect to the enforcing the attendance of witnesses after a tender of their expenses, the examination of witnesses

and the production of books, papers, and documents, shall have all such powers, rights, and privileges as are vested in Her Majesty's High Court of Justice for such or the like purposes:

(11.) The court of arbitration may hold its sittings at such times and places as it thinks expedient, and the decision of any two members of that court shall be deemed to be the decision of the court:

(12.) The court of arbitration may appoint a valuer, and may delegate to such valuer such powers of assessing compensation under this Act as it may think fit; but an appeal may be had from his decision to the court of arbitration:

(13.) The court of arbitration may examine the valuer as to the amount of compensation which in his opinion ought to be paid in any case of damage brought before it, and may adopt or reject his opinion as it thinks just:

(14.) The court of arbitration may review and rescind or vary any order or decision previously made by it; but, save as aforesaid, every order or decision of the said court shall be final:

(15.) The court of arbitration shall publish in such manner as it thinks fit directions as to the mode in which applications are to be made to it under this Act:

(16.) The court of arbitration shall not be bound to hear any counsel or solicitor, but any person claiming compensation may appear in person or by some agent authorised by him in writing, and the court of arbitration may, in addition to compensation for damage, grant further compensation for costs reasonably incurred in substantiating a claim, or may refuse such costs wholly or partially, or reduce the amount of compensation if the person claiming refused a fair offer from the compensation officer:

(17.) Any person fraudulently claiming and receiving compensation to which he is not entitled shall be guilty of a fraud, and liable to be dealt with as if he had fraudulently received money under false pretences, and shall in addition be liable to pay the money received to the person entitled thereto.

Regulations as to persons not belonging to the forces, and Miscellaneous.

Offences against Act.

7. If any stranger commits any trespass upon or does any damage to any lands within the limits of this Act, he shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding forty shillings, in addition to making full compensation in money for any damage he may have caused.

Any stranger going on any lands within the limits of this Act on which the public is not entitled by law to go without the permission of the officer in command of the forces, or of some officer deputed by him, shall be deemed to have committed a trespass on such lands, and be punishable accordingly.

If any stranger, not having such permission as aforesaid, when warned not to go on any land within the limits of this Act, attempts to go thereon, or when on such land and warned to depart therefrom, refuses so to depart, he shall, in addition to any other

penalty to which he may be subject, be deemed guilty of an offence against this Act, and be liable to a penalty not exceeding forty shillings. He may also be prevented by force from going on, or be removed by force from, any such lands as aforesaid.

For the purposes of this section, a warning not to go on lands or to depart from lands may be given by any sentinel or other person belonging to the forces, or by any constable, and in the case of enclosed lands every stranger not having such permission as aforesaid shall be deemed to have been warned not to go upon such lands, and be punishable accordingly.

Any constable may take possession of any horse or carriage with which any stranger is trespassing, and may remove the same from any lands on which it is found; and no compensation shall be payable in respect of any damage which may accrue to any such horse or carriage by reason of such removal, which is not caused by the wilful act or neglect of the constable removing the same.

If any person without due authority moves any flag or other mark distinguishing any lands, or obstructs or interferes with the movements of the forces, or cuts or damages any telegraph wire laid down by or for the use of the forces, he shall be guilty of an offence against this Act, and be liable to a penalty not exceeding five pounds.

If any person, without the special permission in writing of the officer in command of the forces, or of some officer deputed by him, enters on any lands for the time being directed to be kept clear, or within the lines of any encampment belonging to the forces, he shall be guilty of an offence against this Act, and be liable to a penalty not exceeding forty shillings; and may, if he refuses to go, be removed by force from any lands on which he has so entered.

Any person charged with committing any offence against this Act may be taken into custody without warrant by any constable or person authorised by this Act to act as a constable, and may be detained until he can be brought before a special magistrate and be dealt with according to law: Provided that no person shall be detained for more than six hours under the powers of this section without being brought before a special magistrate.

Any constable or person authorised by this Act to act as a constable using force in cases in which force is by this section permitted to be used shall be indemnified from all consequences which may result from such user of force.

Any two justices of the peace belonging to the petty sessional division in which is situate any place where encampments or manœuvres are about to take place, or any special magistrate accompanying a body of troops, may, upon the requisition of the superior officer commanding any body of troops forming part of the forces, and with the consent of the owner or occupier of land over which any footpaths or other rights of way (save turnpike roads, main roads, or carriage roads repairable at the expense of the district or parish) exist, temporarily close or divert the same; provided always, that the duration and limits of such stoppage or diversion shall be publicly declared by printed notices twelve hours previously.

The permission of the officer in command of the forces, or of some officer deputed by him, shall, for the purposes of this section, be signified by a document written or printed, or partly written and partly printed, and authenticated in such manner as may be directed by the said Secretary of State.

Constables to be appointed for repression of offences against Act.

8. The said Secretary of State, with the consent of the authority having power to dispose of the services of any constables, may, by order under his hand, appoint such constables, or any of them, to act as constables within the limits of this Act; and every constable so appointed shall, within the limits of this Act, have all such powers, privileges, and immunities, and be liable to all such responsibilities, as any constable duly appointed has within his constablewick, by virtue of the common law of the realm, or of any Act of Parliament for the time being in force.

Any person belonging to the forces may, when called upon by any constable, assist such constable in performing any duty imposed upon him by this Act, or may, when directed by his commanding officer, act as a constable in respect of any offence against this Act; and any person so assisting or directed to act shall, during the performance of such duty, have the same powers, privileges, and immunities as a constable appointed by the said Secretary of State to act within the limits of this Act.

Justices to be appointed for punishment of offences against Act.

9. The said Secretary of State may, by order under his hand, appoint any county justice or justices, having jurisdiction within the limits of this Act, or any part of such limits, with his or their consent, to attend, for any time named in such order, the forces or any portion of such forces; and any justice so appointed, in this Act referred to as a special magistrate, shall, during the time so named, have jurisdiction, as a justice of the peace, to punish any offence against this Act, by whomsoever committed, within the limits of this Act, and any offence by any other Act punishable upon summary conviction, and committed by any stranger.

Any power by this Act given to a special magistrate may be exercised by any two or more special magistrates.

Any special magistrate may try any case in the open air, or in any other place which he may think convenient, and if the offence be committed in view of such magistrate he may punish the offender without any further evidence. An information in writing shall not be required in respect of any offence triable by any special magistrate.

Where the special magistrate determines that compensation is to be paid by any offender for any damage caused by him to lands, such magistrate shall order such compensation to be paid to the person entitled to receive such compensation, and shall, for the purpose of determining the person so entitled, and the amount of compensation payable, but subject to the appeal herein-after mentioned, have all the powers by this Act given to the court of arbitration, and the magistrate making such order shall certify the same to the compensation officer, and the amount so paid shall be taken into consideration in considering any further claim to compensation in respect of the damage so committed.

Where any person is guilty of an offence against this Act at a place where the forces, or any portion of them, are exercising or

encamping, the special magistrate before whom such offence is tried may, if he thinks fit, instead of subjecting the offender to any other penalty, commit him to the custody of any constable or constables, and direct him to be detained by such constable or constables, either on the field, or at any convenient spot, for any period not exceeding six hours; and such order of commitment shall be valid without any preliminary written proceedings, provided that the special magistrate is satisfied that the offender has been guilty of the offence in respect of which he is committed to custody.

Subject as aforesaid, any offence triable under this Act by any special magistrate shall be prosecuted, as nearly as may be, in manner directed by the Summary Jurisdiction Acts.

No order made, or warrant issued, or other act or thing done, in pursuance of this Act, by a special magistrate, shall be impeached on the ground of any defect in the jurisdiction of such magistrate, unless the objection to such jurisdiction is made at the time of the making or issue of such order or warrant, or the doing of such act or thing.

Where a special magistrate under this Act awards, by way of compensation for any damage done to lands, any sum exceeding five pounds, any person aggrieved by the decision of such magistrate may, upon giving security for costs to the satisfaction of the magistrate, appeal to the next practicable court of general or quarter sessions holden for the county in which the cause of appeal has arisen, and such court may, upon the hearing of the appeal, confirm, reverse, or modify the decision of the special magistrate, or make such other order in the matter as the court thinks just.

Offences against this Act shall be triable only by a special magistrate, but, subject as aforesaid, nothing in this section contained shall affect any jurisdiction which the justices of the county in which any offence may be committed would have had if this Act had not passed.

Evidence of orders and regulations.

10. Evidence of any order or regulation made by or on behalf of the consultative commission, either alone or in conjunction with the officer in command of the forces, or any officer deputed by him, may be given in all legal proceedings whatever by the production of a copy purporting to be certified to be a true copy by any member of such commission, and notice of any order or regulation made as aforesaid may be served on any person personally or by leaving a copy of such notice at his usual place of abode.

No proof shall be required of the handwriting or official position of any person certifying in pursuance of this section to the truth of a copy of any such order or regulation.

Any order or regulation of which evidence is given in pursuance of this Act shall, until the contrary is proved, be deemed to have been duly made.

Evidence of any rule or proceeding of the consultative commission, or of any member thereof, not including such order or regulation as aforesaid, may be given in all legal proceedings whatever by the production of a certificate under the hands of

any two or more members of the commission declaring such rule to have been made, or proceeding to have taken place.

Evidence of any permission given or order made by or on behalf of the officer in command of the forces acting within the limits of the Act, or any officer deputed by him, may be given in all legal proceedings whatever by the production of a copy purporting to be certified to be a true copy by the officer in command of the forces, or any officer from time to time deputed by him to certify the same.

Definitions.

11. In this Act, if not inconsistent with the context, the following expressions have the meanings herein-after respectively assigned to them; that is to say, Definitions.

The expression "forces to which this Act applies" or "the forces" means and includes all such regular troops, militia, yeomanry, volunteers, licensed sutlers, and followers in or of any of the said forces, as are for the time being assembled within the limits of this Act during the present summer for the purposes of military instruction, and are subject to military law within the meaning of the Army Act, 1881; it shall also include any police attached to the said forces or to any part of such forces, but not so as to subject such police to such military law:

The officer commanding the forces, or any officer or officers deputed by him, may from time to time grant licences to persons applying for the same authorising such persons to act as licensed sutlers in the said forces, or to be followers of the said forces, and may from time to time revoke any licences so granted:

Every holder of any licence as a sutler or follower shall be deemed to be a person subject to military law within the meaning of the Army Act, 1881, and shall be subject to such law as a soldier, unless by the terms of his licence he is entitled to be treated on the footing of an officer: 44 & 45 Vict. c. 58.

Any licences granted in pursuance of this section shall be in such form and authenticated in such manner as may be prescribed by the said Secretary of State, and shall declare the fact that the person thereby licensed is subject to military law within the meaning of the Army Act, 1881:

The expression "strangers accompanying the forces" or "strangers" or "stranger" means all such persons or any such person as may for the time being be attending on or accompanying the forces to which this Act applies, for the purpose of trading, amusement, or any other purposes whatever, and are not or is not subject to military law within the meaning of the Army Act, 1881, but shall not include any owner or occupier of lands when on the lands owned or occupied by him:

The expression "damage to lands" includes damage to trees, underwoods, crops, animals, or other property on such lands, and also any loss or injury that may be sustained by the occupier of any such lands on account of being unable to

cultivate and sow corn or other seeds on such lands during such occupation and passing over such lands; also any loss or injury sustained by any occupier from shutting up and securing his cattle or sheep in folds or farm yards; also any loss or injury sustained by any person by the damming up of any running stream, or by injury to or exhaustion of any pond or source of water, or by the use of any private or occupation roads; and "lands" includes lands covered by water:

The expression "arms, munitions of war, and stores" includes all matters and things required for the use of the forces to whom this Act applies, or any part thereof, and all animals and conveyances used for the conveyance of such matters or things; also all animals used for the food of the forces or any part thereof:

The expression "unenclosed lands" includes any unfenced or open lands:

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury.

Duration of Act.

Time during which Act is to remain in force.

12. This Act, in so far as it relates to the power of the forces to pass over and occupy land, shall remain in force till the first of September next, and no longer, but in so far as it relates to the giving of compensation for damage caused by the passage or occupation of such forces, shall remain in force till the first of June one thousand eight hundred and eighty-three, and no longer.

SCHEDULE.

AREA FORMING LIMITS OF ACT.

For the purposes of this Act, the area therein referred to shall be deemed to be enclosed by a boundary line starting from Odiham, and running in an easterly direction along the high road by Heal and Farnham to Guildford; thence along an imaginary straight line running in a northerly direction to the point where the Staines, Wokingham, and Reading branch railway crosses the river Thames near Staines; thence along an imaginary straight line running in a westerly direction to Wokingham; thence along the high road running between Wokingham and Reading to the point where the said high road crosses the river Loddon; thence along the said river Loddon to Sheep Bridge; thence along the high road, running through Heckfield and Hook to Skewers; thence along a road running in a southerly direction to the point where the said road crosses the Basingstoke canal; thence in an easterly direction along the said Basingstoke canal to North Warnborough; and thence along the high road to Odiham.

CHAPTER 11.

An Act to amend the Public Health (Scotland) Act, 1867.

[19th June 1882.]

30 & 31 Vict. c. 101.

WHEREAS by the Public Health (Scotland) Act, 1867, provision is made by section seventy-six for the formation of special drainage districts, and also by section eighty-nine for the formation of special water supply districts:

And whereas it has been found that a change of circumstances sometimes renders it expedient that the boundaries of such special drainage districts and special water supply districts should be altered, but the recited Act contains no provisions whereby such alteration can be effected:

And whereas the Public Health (Scotland) Act, 1867, Amendment Act, 1879, was passed for the purpose of making such provision, but it has been found insufficient for that purpose: 42 & 43 Vict. c. 15.

And whereas it is expedient that such provision should now be made, and that the provisions of the first-mentioned Act should be made applicable to the districts so altered, and that the second-mentioned Act should be repealed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited for all purposes as the Public Health (Scotland) Act, 1867, Amendment Act, 1882, and the first-mentioned Act and this Act shall be read and construed together.

Commencement of Act.

2. This Act shall commence to have effect on the first day of November one thousand eight hundred and eighty-two, which date is herein-after referred to as the commencement of this Act.

Repeal of 42 & 43 Vict. c. 15.

3. From and after the commencement of this Act the Public Health (Scotland) Act, 1867, Amendment Act, 1879, shall be repealed, and in lieu thereof it is provided as follows:

Special drainage and special water supply districts may be altered, combined, &c.

(1.) Where there shall exist within the district of any local authority to which the provisions of the seventy-sixth and eighty-ninth sections of the Public Health (Scotland) Act, 1867, respectively apply, a special drainage district or a special water supply district, as the case may be, it shall be competent to such local authority, upon requisition, as herein-after provided, to meet and consider the propriety of altering the boundaries of any such special drainage district or special water supply district, and to resolve upon such alteration of boundaries being effected, either (1) by enlarging or limiting the said boundaries; or (2) by combining two or more such special drainage districts or special water supply districts or portions thereof; or (3) by enlarging or limiting the said boundaries and combining two or more such special drainage districts or special water supply districts or portions thereof:

(2.) The local authority shall not be entitled to meet for the purpose of considering the propriety of any such proposed alteration of boundaries, except after receiving a requisition to that effect, made in writing and signed by at least ten of the inhabitants of the district of the local authority; but upon receiving such a requisition it shall be bound to meet for such purpose, and twenty-one clear days notice of the meeting shall be given to the members of the local authority:

(3.) In the event of the local authority resolving upon any such alteration of boundaries as aforesaid its resolution shall be advertised, and shall be subject to appeal and review in like manner as is provided by sections seventy-six and eighty-nine

of the first-mentioned Act in regard to advertising and appealing against resolutions as to the formation of special drainage districts and special water supply districts under that Act: Provided that if the sheriff or sheriff substitute, as the case may be, shall disapprove of the resolution of the local authority he may vary the same, but only with the consent of the local authority:

(4.) The whole provisions of the first-mentioned Act applicable to special drainage districts and special water supply districts shall be applicable mutatis mutandis to such districts when altered or combined or altered and combined under this Act:

(5.) The provisions of this Act shall apply to all special drainage districts and special water supply districts, whether formed before or after the commencement of this Act, or altered or combined or altered and combined under the powers conferred by this Act:

(6.) The repeal of the second-mentioned Act shall not affect anything duly done or any proceeding pending under the said Act, but such proceeding shall be carried on as if this Act had not passed.

CHAPTER 12.

An Act to amend the Law relating to the application of moneys arising from the sale of Militia Storehouses.

[19th June 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of so much of s. 3. of 17 & 18 Vict. c. 105. as directs the investment of the proceeds of the sale of militia storehouses.

1. So much of section three of the Militia Law Amendment Act, 1854, as requires the residue of the purchase money arising from the sale of any place provided for keeping militia stores to be invested in the public funds, and the interest thereof applied in aid of the county rate, is hereby repealed.

Such proceeds may be applied to any purpose to which county rate applicable.

2. Any moneys which have been paid to and invested by or shall hereafter be paid to the treasurer of a county on account of the proceeds of the sale of any place provided for keeping militia stores, and which moneys shall not be required for the purposes of the said Act, may be applied to any of the purposes to which money raised on the security of the county rate or stock is applicable, or the same may be invested in any security upon which trustees may by law invest trust moneys, and the interest applied in aid of the county rate or stock, as shall be directed by the justices of the county in quarter sessions assembled.

Short title.

3. This Act may be cited as the Militia Storehouses Act, 1882.

CHAPTER 13.

An Act for the Improvement of Arklow Harbour.

[19th June 1882.]

WHEREAS by an Act of the Parliament of Ireland of the thirty-second year of the reign of George the Third, chapter twenty-four, intituled "An Act for the better enabling certain "persons to open and work mines, and to raise coal, culm, minerals, "and fossils in this kingdom, and to open and improve the "harbour of Arklow in the county of Wicklow, and to form a "canal from the said harbour of Arklow to the Meetings Bridge, "and to extend the same towards the Kilkenny collieries and the "Glenmalur mines," the Hibernian Mine Company were incorporated with divers powers for working mines and for opening and improving the harbour of Arklow, and for making and maintaining canals and navigation works, with power to take tolls, rates, and duties for vessels using their harbours and canals: 32 G. 3. c. 24. (I.)

And whereas by an Act passed in the twenty-sixth year of the reign of Her Majesty the Queen, intituled "An Act for the Amal- "gamation of the Hibernian Mine Company with the Wicklow "Copper Mine Company (Limited), and for other purposes;" after reciting amongst other things the said Act, and that the property of the Hibernian Company comprised the quays of the harbour of Arklow, with all the wharves and buildings thereon held in fee; and that the Hibernian Company had expended more than seventeen thousand pounds on works for the improvement of the said harbour and for making it fit for the reception of vessels and the landing and shipping of goods; and reciting that on the second day of February one thousand eight hundred and fifty-eight the Wicklow Copper Mine Company was registered under the Joint Stock Companies Act, 1856, as a Company with limited liability; and that the two Companies were desirous and it was expedient that the two Companies and their respective undertakings, property, and effects should be amalgamated, it is enacted that on the first day of September one thousand eight hundred and sixty-three the two Companies should be thereby amalgamated into a new Company, which, by the name "the Wicklow Copper Mine Company," should be one body corporate with the powers thereby given; and that the recited Act of the Parliament of Ireland of the thirty-second year of George the Third, chapter twenty-four, relating to the Hibernian Company should be repealed, and that all the estates and property, including the harbour of Arklow, of which the two Companies respectively were seised or possessed, should be vested in the Wicklow Copper Mine Company: 26 & 27 Vict. c. ccix. 19 & 20 Vict. c. 47.

And whereas one of the objects for which the Wicklow Copper Mine Company was incorporated was the maintaining, repairing, and improving of the harbour of Arklow, and the channel, embankments, piers, quays, wharves, buildings, and other works and conveniences of and connected with the harbour, and the regulating and controlling of the user of the same, and for any of those purposes; and also for the purpose of erecting sluices and other works for the improvement of the said harbour the Company may at all times

use the bridge of Arklow, provided they make good any injury the bridge may sustain by their operations:

And whereas the said harbour of Arklow is an important station and place of refuge for vessels employed in prosecuting the sea fisheries on the east coast of Ireland, but the said harbour has of late years been gradually silting up, and a bar is frequently formed across the entrance thereto, whereby its value and usefulness are materially injured:

And whereas it is expedient that the said harbour should be deepened, extended, and otherwise improved, and the Wicklow Copper Mine Company, being unable to undertake the execution of the necessary works for that purpose, have agreed, in consideration of the sum of five thousand pounds, to be paid as herein-after mentioned, to transfer to the Commissioners of Public Works in Ireland (in this Act referred to as "the Board,") all their estate, interest, and property in the said harbour of Arklow, and the quays, wharves, and buildings connected therewith, as the same are delineated in red in the tracing now deposited in the office of the Board of Works in Dublin, and to which the seal of the Board has been affixed, and all their rights in the same:

And whereas it is expedient that the Board should be authorised to undertake the execution of the said works, and for that purpose to advance by way of grant the sum of fifteen thousand pounds, being one moiety of the estimated cost thereof, and to advance by way of loan, on the security provided by this Act, the sum of twenty thousand pounds, being five thousand pounds for the price to be paid to the Wicklow Copper Mine Company, together with the other moiety of the estimated cost of the said works; and, if by reason of unforeseen circumstances the said estimated sum proves insufficient for the full completion of the works, to advance by way of further loan on the security of the rates leviable by the Town Commissioners of the town of Arklow such sum as may be necessary for that purpose:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Arklow Harbour Act, 1882.

Advance of Money and Execution of Works.

Special meeting to consider as to charging baronial rates with loan.

2. A special meeting shall be held in the Court House in Arklow on some day to be appointed by the Board within two months after the passing of this Act, of the justices and associated cesspayers, entitled to attend at the presentment sessions of the baronies of Arklow and Ballinacor South in the county of Wicklow, and of Gorey in the county of Wexford. Notice of such meeting shall be given once in each of two consecutive weeks before the day fixed for the same in two or more newspapers circulating in each of the counties of Wicklow and Wexford At such meeting a person nominated by the Board shall preside, and the justices and associated cesspayers for each barony shall separately declare

their opinion as to the expediency of charging the rates of the barony with the repayment of the whole or of a specified part of the said loan of twenty thousand pounds, with interest thereon, payable in the manner appearing in this Act.

If the justices and associated cesspayers of one only of the baronies declare their opinion to be in favour of such charge, they shall then proceed to declare their desire as to the period (not exceeding fifty years) within which the loan should be made repayable, having regard to the rate of interest fixed by the Treasury, by their minute dated the sixteenth day of August one thousand eight hundred and seventy-nine, for loans to which section two of the Public Works Loans Act, 1879, applies. 42 & 43 Vict. c. 77.

If the justices and associated cesspayers of more than one of the baronies declare their opinion to be in favour of such charge, they shall proceed jointly to declare their desire as to such period of repayment, having regard to the considerations aforesaid.

The chairman presiding at the meeting shall, by taking a vote in such manner as he thinks fit, ascertain and report to the Board what are the resolutions of the justices and associated cesspayers with reference to the loan.

Charge upon baronies. Payment to Wicklow Copper Mine Company. Transfer of Harbour to Board.

3. If the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) are satisfied with the security offered by the justices and associated cesspayers of the three baronies or of any of them at such meeting, they may authorise the Board to carry this Act into effect, and to advance out of the moneys placed in their hands by Parliament the sum of fifteen thousand pounds by way of grant, and the sum of twenty thousand pounds by way of loan, and may by order declare the said baronies or some or one of them to be charged with the payment of the said sum of twenty thousand pounds, and interest. In case the justices and associated cesspayers of one only of the said baronies have agreed to charge the rates of the barony with the payment of the loan, the order shall declare that barony only to be charged. In case the justices and associated cesspayers of more than one barony have agreed to charge the rates of the baronies with the payment of specified portions of the loan, the order shall apportion the charge upon the same baronies accordingly. The barony or baronies declared by such order to be charged with any payments shall by virtue of this Act become charged with such payments accordingly.

All sums declared by the Treasury to be charged upon any barony shall be repayable within such period as the Treasury may at their discretion determine, at such rate of interest as the Treasury have fixed for loans to which section two of the Public Works Loans Act, 1879, applies; and otherwise upon the same terms and conditions as apply to loans made by the Board for purposes like to the purposes of this Act, under the Act of the session of the first and second years of the reign of King William the Fourth, chapter thirty-three, intituled, "An Act for the Extension and Promotion of "Public Works in Ireland." 42 & 43 Vict. c. 77.

The Board may, upon being so authorised, out of any moneys placed in their hands by Parliament, lodge in the Bank of Ireland to the credit of the Wicklow Copper Mine Company the sum of five thousand pounds.

On such lodgment being made all the said harbour of Arklow, and the lands, piers, quays, wharves, and buildings thereof, or in any manner connected therewith (in this Act referred to as the harbour), as the same are delineated in red in the tracing now deposited in the office of the Board in Dublin, and to which the seal of the Board has been affixed (subject, however, to the reservation herein-after contained), and all rights and easements connected therewith, shall be and the same are hereby transferred to and vested in the Board of Works for the purposes herein-after mentioned; discharged from all estates, rights, titles, charges, and incumbrances whatsoever of the Wicklow Copper Mine Company, and of every other person, other than those of Her Majesty, her heirs and successors:

Provided, however, that the tramways, turntables, and weighing houses belonging to the Wicklow Copper Mine Company in connexion with the harbour, existing at the time of the passing of this Act, shall remain vested in the Company, with the exclusive right to use the same.

Authority to execute works.

4. The Board may proceed with all necessary works for deepening, extending, and improving the harbour, and with such other works appertaining thereto, as they may deem fit and proper; and for that purpose, may do any matter or thing and shall have and may, if they think fit, exercise any right, power, or authority, with reference to such works which they might do, or would have if the work were undertaken by them under the provisions of the Act of the session of the ninth and tenth years of the reign of Her present Majesty, chapter three, and any Act amending the same, and may expend for that purpose, out of the moneys placed in their hands by Parliament, any sum not exceeding the sum of thirty thousand pounds.

Special meeting to consider as to charging town rates with expenditure in excess of estimate.

5. If at any time before the completion of the said works the Board reports to the Treasury that it would be desirable to expend any further sum in excess of the sum of thirty thousand pounds for the completion of the works, and recommends that a loan should be offered for that purpose upon the security herein-after mentioned, and the Treasury thinks fit to sanction such loan, then a special meeting of the Town Commissioners of the town of Arklow shall be held on some day to be appointed by the Board, at which the Town Commissioners shall declare their opinion as to the expediency of charging the rates of the town with the repayment of such further loan as may be offered to be advanced by the Board for the completion of the harbour in excess of the sum of thirty thousand pounds, or with such limited sum for the like purpose as the Town Commissioners think proper to approve.

For the assistance of the Town Commissioners, a person nominated by the Board shall be present at such meeting.

If the Town Commissioners pass a resolution in favour of such charge, the Treasury may by order declare all property in the town rateable by the Town Commissioners under the powers conferred on them by the Towns Improvement (Ireland) Act, 1854, to be charged with the payment of the whole of such further loan and interest, or with such limited sum and interest as the Town Commissioners shall, by their resolution, have approved. And such rateable property shall by virtue of this Act become charged with such payment accordingly. All sums declared by the Treasury to be charged

17 & 18 Vict. c. 103.

upon the town shall be repayable within such period as the Treasury may at their discretion determine, at such rate of interest as the Treasury have fixed for loans to which section two of the Public Works Loans Act, 1879, applies; and otherwise upon the same terms and conditions as apply to loans made by the Board for purposes like to the purposes of this Act, under the Act of the session of the first and second years of the reign of King William the Fourth, chapter thirty-three, intituled, "An Act for the "Extension and Promotion of Public Works in Ireland."

42 & 43 Vict. c. 77.

6. On the completion of the works, or at such other time as the Treasury may direct, the Board shall make an order declaring the sums payable by the said baronies, or some or one of them, on account of the loan referred to in this Act.

Payments by baronies.

Such sums shall be raised from time to time by grand jury presentments, the first of which shall be made at the assizes next after the making of the order by the Board.

And the Board shall, before each assizes, make out a certificate for each of the counties of Wicklow and Wexford, or for one of them, as the case may be, specifying the amount then payable by any barony in such county under this Act. The Board shall transmit the certificate to the secretary of the grand jury of the county, to be laid before the grand jury, and thereupon the grand jury shall, without any previous application to presentment sessions, make a presentment for the amount specified in such certificate as payable by the barony or baronies therein specified; and in default of such presentment the amount shall be raised by an order of the judge of assize, which shall have the force of a presentment.

The amount raised in such presentment shall be paid to the Board in such manner as the Treasury may from time to time direct.

7. In case any further loan in excess of the estimated sum of thirty thousand pounds has been advanced by the Board for the completion of the harbour, and the rateable property in the town of Arklow has been declared by the order of the Treasury to be charged with the payment of any sum on account thereof, the Board shall, on the completion of the works, or at such other time as the Treasury may direct, make an order declaring the sums payable by the town on account of such further loan. The Board shall annually, or at such intervals as they think fit, make out a certificate specifying the amount then payable by the town under this Act. The Board shall transmit the certificate to the town clerk to be laid before the Town Commissioners. The sums specified in such certificate shall be raised from time to time by the Town Commissioners, by a special rate, to be in addition to any rates which they are empowered to make under the Towns Improvement (Ireland) Act, 1854. The provisions of the said Act relative to the making and enforcement of rates, and the partial exemption of certain classes of property, shall apply to any rate made under this Act.

Payments by town of Arklow.

Every certificate of the Board under this Act shall be conclusive evidence of all facts and circumstances necessary to authorise the making of it.

Transfer of harbour to Harbour Commissioners.

8. Upon the completion of the works authorised to be constructed by the Board under this Act, or at such other time as the Treasury may direct, the Board may, with the consent of the Treasury, by order under their seal, declare that the harbour shall from a time to be named in such order be vested in the Harbour Commissioners constituted under this Act; and thereupon the harbour, and all the property connected therewith by this Act transferred to the Board shall, without any conveyance thereof, be transferred to and vested in the Harbour Commissioners, for the purposes of this Act.

Constitution and Powers of Harbour Commissioners.

Incorporation of Harbour Commissioners.

9. For the purposes of this Act there shall be Harbour Commissioners, not exceeding seven in number, which Commissioners and their successors are hereby constituted a body corporate by the name of the Arklow Harbour Commissioners, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of land and other property for the purposes but subject to the restrictions of this Act.

Appointment and election of the several Harbour Commissioners, originally and on vacancies; tenure of office.

10. The appointment and election of the several Commissioners forming the Harbour Commission, and their tenure of office, shall be regulated as follows:—

(1.) One Commissioner shall be appointed by the Treasury; one Commissioner shall be appointed by each barony upon which any charge is imposed under this Act; and three Commissioners shall be appointed by the Town Commissioners of the town of Arklow: Provided, that if only one barony becomes chargeable under this Act, that barony shall appoint two Commissioners; and in that event, and also in the event of only two baronies becoming chargeable under this Act, the number of Commissioners to be appointed by the Town Commissioners of the town of Arklow shall be reduced to two:

(2.) The first appointment of each such Commissioner shall be made within twelve months after the passing of this Act. The appointment of a Commissioner for a barony shall be made by the justices and associated cesspayers of the barony at any ordinary presentment sessions held for that barony:

(3.) Each vacancy in the office of any Commissioner shall be filled up by an appointment made by the same authority as appointed or was entitled to appoint the vacating Commissioner:

(4.) Each appointment of any Commissioner shall be determinable at any time by the authority which appointed that Commissioner, and (subject thereto and to the other provisions of this Act) shall be operative for five years and thenceforth until the next ordinary meeting of the authority which appointed him; but at the end of the term of five years an out-going Commissioner shall be capable of re-appointment:

(5.) In case the Town Commissioners of the town of Arklow fail to make any appointment, which they are from time to time required to make in conformity with this Act, within one month after being required by the Treasury to do so, and in case the justices and associated cesspayers of any barony fail to make any such appointment at the next ordinary presentment sessions for the barony after they have been required

by the Treasury, by notice addressed to the secretary of the grand jury of the county, to do so, then the Treasury, instead of the authority so failing, shall for that turn appoint a Commissioner or Commissioners. The powers of the Commissioners shall not be dependent upon the whole number of Commissioners being at any one and the same time in office.

Incorporation of parts of 10 & 11 Vict. c. 16.

11. The Commissioners Clauses Act, 1847, shall be incorporated with this Act, and shall (so far as the same may be applicable and not inconsistent with any of the provisions of this Act) apply to the Harbour Commissioners (for the purposes of which Act this Act shall be deemed to be the special Act); except the clauses with respect to accounts and byelaws, and recovery of damages and penalties; and section one hundred and nine thereof shall be read as subject to the provisions of this Act expressly affecting such of the rights or things therein mentioned as are specified in this Act; and with reference to section thirty-nine, the prescribed number (forming a quorum) of the Commissioners shall be three.

Power to levy tolls, &c.

12. It shall be lawful for the Harbour Commissioners to levy or cause to be levied and paid for the use of the harbour such tolls, wharfage rates, licence duties, and charges as the Treasury shall from time to time approve of.

The power vested by this section in the Harbour Commissioners shall, immediately after the passing of this Act, and until the transfer of the harbour to the Harbour Commissioners, be vested in the Board.

Accounts and annual report of Harbour Commissioners.

13. The accounts of the receipts, expenditure, credits, and liabilities of the Harbour Commissioners shall be kept and audited, and the same, or proper abstracts thereof, shall be published, in such form and manner, and at such times as the Treasury from time to time directs or approves; and a proper abstract of all such accounts, together with a report of the Harbour Commissioners on their proceedings, and on the works executed by them, and on the state of the harbour, shall be annually furnished by them to the Treasury, who shall lay the same before both Houses of Parliament.

Incorporation of parts of 10 & 11 Vict. c. 27.

14. The provisions of the Harbours, Docks, and Piers Clauses Act, 1847, with respect to watchhouses, boathouses, warehouses and cranes, and legal quays; and with respect to the rates to be taken by the undertakers and exemption therefrom; and with respect to the collection of rates; and with respect to harbour masters, dock masters, and pier masters; and with respect to the discharge of cargoes and removal of goods; and with respect to the protection of the harbour, dock, and pier; and with respect to lighthouses, beacons, and buoys; and with respect to byelaws; and with respect to the recovery of damages and penalties; and also sections twelve and thirteen of the said Act as the same are amended by any Act or Acts, shall be incorporated with this Act, so far as the same may be applicable and not inconsistent with any of the provisions of this Act, and for the purpose of such incorporation this Act shall be deemed to be the special Act, and the Board until the transfer of the Harbour to the Harbour Commissioners shall be taken to mean the undertakers, and after such transfer the Harbour Commissioners shall be taken to mean the undertakers: Provided, that

the rates to be fixed by the Harbour Commissioners shall be subject to the approval of the Treasury.

Abatement of work abandoned or decayed.

15. If a work constructed by the Board or the Harbour Commissioners on, in, over, through, or across tidal lands or a tidal water is abandoned or suffered to fall into decay, the Board of Trade may abate and remove the work or any part of it, and restore the site thereof to its former condition at the expense of the Board or Harbour Commissioners, and the amount of such expense shall be a debt due from the Board or Harbour Commissioners to the Crown, and recoverable accordingly with costs, or the same may be recovered with costs as a penalty is recoverable from the Board or Harbour Commissioners.

Lights to be exhibited during construction of works.

16. The Board or the Harbour Commissioners shall on or near the works below high-water mark hereby authorised, during the whole time of the construction, altering, or extending thereof, exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time requires or approves, and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also on or near the work when completed always maintain, exhibit, and keep burning at their own expense every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves.

If the Board or the Harbour Commissioners fail to comply in any respect with the provisions of the present section, they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Survey of works by Board of Trade.

17. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Board or the Harbour Commissioners on, in, over, through, or across tidal lands or tidal water, or of the intended site of any such work, the Board or the Harbour Commissioners shall defray the expense of the survey and examination, and the amount thereof shall be a debt due from the Board or the Harbour Commissioners to the Crown and be recoverable accordingly with costs, or the same may be recovered with costs as a penalty is recoverable from the Board or the Harbour Commissioners.

Lights to be exhibited on permanent works

18. The Harbour Commissioners shall at the outward extremity of the works of Arklow Harbour exhibit and keep burning from sunset to sunrise such light or lights (if any) as the Commissioners of Irish Lights shall from time to time require.

Bridge to be maintained for purposes of tramway.

19. The swivel bridge on the north side of the harbour shall be maintained by the Harbour Commissioners as an opening bridge. And the Wicklow Copper Mine Company shall have a right of way over the same for the purposes of their tramways and general business, subject to any rules or byelaws of the Harbour Commissioners.

Application of tolls.

20. The tolls, rates, and charges payable under the provisions of this Act shall be applied by the Harbour Commissioners from time to time in repairing and maintaining the harbour, and the overplus thereof, if any, shall be applied for indemnifying any barony chargeable with any payment under this Act against such charge or liability and for indemnifying the town of Arklow if it

becomes chargeable with any payment under this Act against such charge or liability, in such manner as may from time to time be directed by the Treasury, and subject to the aforesaid provisions shall be applied in such manner as may from time to time be directed by the Treasury.

21. All the rights and powers conferred by this Act upon the Harbour Commissioners shall, until the date of the transfer of the harbour to the Harbour Commissioners under this Act, be vested in the Board. Whenever the whole amount of the loan or loans advanced by the Board under this Act is discharged the Treasury may, if they think fit, by order transfer to any public body or person the right conferred on them by this Act to appoint a Harbour Commissioner; and upon the making of such order all the other rights and powers in relation to the harbour vested in the Treasury under this Act shall cease and determine.

Powers of Board of Works prior to transfer of harbour.

Termination of powers of Treasury.

22. Nothing contained in this Act shall authorise the Board or the Harbour Commissioners, to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything contained in this Act extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in, or enjoyed, or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Crown in the foreshore.

23. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities, mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors.

Saving rights of Crown under 29 & 30 Vict. c. 62.

CHAPTER 14.

An Act to confer further powers upon the Metropolitan Board of Works with respect to Streets and Buildings in the Metropolis. [19th June 1882.]

WHEREAS it is expedient to provide for the better management of the metropolis by conferring further powers upon the Metropolitan Board of Works (in this Act referred to as "the Board") with respect to the management of existing streets and the formation of new streets, and the regulation of buildings and structures in the metropolis:

And whereas for the purposes aforesaid it is expedient to amend the Metropolis Management Act, 1855, the Metropolitan Building Act, 1855, and the Acts amending the same respectively:

18 & 19 Vict. c. 120. 18 & 19 Vict. c. 122., &c.

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

Short title.

1. This Act may be cited for all purposes as the Metropolis Management and Building Acts (Amendment) Act, 1882.

Limit of Act.

2. This Act shall extend and apply to the metropolis as defined by the Metropolis Management Act, 1855.

Division of Act into four parts.

3. This Act shall consist of four parts.

PART II.

Metropolis Management Acts and Part II. of Act to be construed as one Act.

4. The Metropolis Management Act, 1855, and the Acts amending the same, and this part of this Act shall be construed together as one Act.

Power to Board to name and number streets in default of vestries, &c. in complying with order of Board. 25 & 26 Vict. c. 102

5. Whenever the Board have transmitted a copy of any order made by them in pursuance of the provisions of the eighty-seventh section of the Metropolis Management Amendment Act, 1862, to any vestry or district board, or to the Commissioners of Sewers of the City of London, and such vestry or district board or commissioners have for the space of three calendar months after the receipt of such order failed to perform all or any of the necessary acts or to take all or any of the requisite proceedings for carrying such order into execution, then and in every such case the Board may perform all or any of such necessary acts or take all or any of such necessary proceedings which such vestry or district board or commissioners have failed to perform or take, and for such purpose, and generally for giving effect to the provisions of the said section, as amended by this section, the Board shall have and may exercise all the rights, powers, authorities, and jurisdiction by the said section conferred upon vestries, district boards, and the said commissioners respectively, including the recovery of expenses from owners of houses and buildings, and the said section shall be construed accordingly.

Preventing obstructions of streets.

6. In case any person not being lawfully authorised knowingly erects or places, or causes to be erected or placed, any post, rail, fence, bar, obstruction, or encroachment whatsoever in, upon, over, or under any street, or alters or interferes with any street in such a manner as to impede or hinder the traffic for which such street was formed or laid out from passing over the same, he shall (in addition to any other proceeding to which he may be liable therefor) be liable to a penalty not exceeding ten pounds for every such offence, and to a further penalty not exceeding forty shillings for every day on which such offence is continued after the day on which he shall have received notice in writing from the Board to remove such post, rail, fence, bar, obstruction, or encroachment, and to reinstate or restore such street to its former condition; and the Board may, at the expiration of two days after giving such notice as aforesaid, demolish or remove any such post, rail, fence, bar, obstruction, or encroachment, and reinstate or restore such street to its former condition, and recover the expenses thereof in like manner as if the same were a penalty imposed by this part of this Act.

Provisions as to new streets.

7. Where after the passing of this Act it is intended by any person to form or lay out any road, passage, or way for building as

a street for the purposes of carriage traffic or of foot traffic only, in such manner that such road, passage, or way will not afford direct communication between two streets, such person shall, at least three months before such road, passage, or way is begun to be so formed or laid out, make an application to the Board giving notice of such intention, and setting out a plan of the proposed street, with such particulars in relation thereto as may be required by the Board, and if it appears to the Board that it is expedient that such road, passage, or way should not be formed or laid out in manner aforesaid, or that such road, passage, or way should be formed or laid out in manner aforesaid subject to any conditions which the Board may prescribe, the Board may, by order made at any time before the expiration of the said period of three months, decline to sanction the formation or laying out of such road, passage, or way in manner aforesaid, or may sanction the formation or laying out of such road, passage, or way in manner aforesaid subject to such conditions as they may prescribe, and thereupon, and until the Board shall otherwise direct, such road, passage, or way shall not be formed or laid out for building as a street in manner aforesaid where the Board have declined their sanction, or shall not be formed or laid out for building as a street in manner aforesaid, except in accordance with the conditions prescribed, where the Board have given their sanction subject to such conditions.

Any person forming or laying out, or commencing to form or lay out, or keeping open any road, passage, or way so formed or laid out in manner aforesaid contrary to the provisions of this section shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding twenty shillings for every day on which the offence is continued after the day on which the first penalty is incurred.

Provided always, that in case the said person so intending to form or lay out any road, passage, or way as aforesaid, considers that any of the conditions prescribed by the Board are unreasonable, then the said person so objecting to the said conditions may appeal to the police magistrate for the district in which the said road, passage, or way is situate, and his decision shall be final upon the question.

Provisions restricting in certain cases the laying out of streets for foot traffic only.

8. Where after the passing of this Act it is intended by any person to form or lay out any road, passage, or way for building as a street for foot traffic only, such person shall, at least three months before such road, passage, or way is begun to be so formed or laid out, make an application to the Board giving notice of such intention, and setting out a plan of the proposed street, with such particulars in relation thereto as may be required by the Board, and if it appears to the Board that it is expedient that such road, passage, or way should not be formed or laid out for foot traffic only, or that such road, passage, or way should be formed or laid out for foot traffic only subject to any conditions which the Board may prescribe, the Board may, by order made at any time before the expiration of the said period of three months, decline to sanction the forming or laying out of the same for foot traffic only, or may sanction the formation or laying out of such road, passage, or way for foot traffic only subject to such conditions as they may think

proper to prescribe, and thereupon, and until the Board shall otherwise direct, such road, passage, or way shall not be formed or laid out for building as a street for foot traffic only where the Board have declined their sanction, or shall not be formed or laid out for building as a street for foot traffic only, except in accordance with the conditions prescribed, where the Board have given their sanction subject to such conditions.

Any person forming or laying out, or commencing to form or lay out, or keeping open any such road, passage, or way for foot traffic only contrary to the provisions of this section shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding twenty shillings for every day on which such offence is continued after the day on which the first penalty is incurred.

Provided always, that in case the said person so intending to form or lay out any road, passage, or way as aforesaid, considers that any of the conditions prescribed by the Board are unreasonable, then the said person so objecting to the said conditions may appeal to the police magistrate for the district in which the said road, passage, or way is situate, and his decision shall be final upon the question.

Board may annex and enforce conditions as to space to be left open where building is erected beyond the general or regular line of building.

9. Where the Board consent, in writing, under section seventy-five of the Metropolis Management Amendment Act, 1862, to the erection by any person of a building or part of a building or erection in any street, place, or row of houses beyond the general or regular line of buildings in such street, place, or row of houses, the Board may annex to such consent, if they think fit, any conditions they may think proper as to the amount of land in front of such building, part of a building, or erection which shall be dedicated to or left open for the use of the public; and where the Board have annexed to such consent to the erection of such building, part of a building, or erection any such condition, then and in every such case such condition shall within three months after the erection of such building, part of a building, or erection be fulfilled, and if such person fails to fulfil such condition within such period as aforesaid he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day upon which such condition continues to be unfulfilled after the day on which the first penalty is incurred.

Provided always, that notwithstanding the imposition and recovery of any penalty under this section, the Board, at any time after default in the fulfilling of any such condition, may cause complaint thereof to be made before a justice of the peace, who shall thereupon issue a summons requiring the owner or occupier of such building, part of a building, or erection, at a time and place to be stated in the summons, to answer such complaint, and if at the time and place appointed in such summons the said complaint is proved to the satisfaction of the justice before whom the same is heard, such justice shall make an order in writing on such owner or occupier directing the demolition of such building, part of a building, or erection, or so much thereof as may be beyond such general or regular line, within such time as such justice shall consider reasonable, and shall also make an order for the costs

incurred up to the time of the hearing; and in default of the building, part of a building, or erection complained of being demolished, within the time limited by such order, the Board may forthwith enter the premises to which the order relates and demolish the building, part of a building, or erection complained of, and do whatever may be necessary to execute such order, and may also remove the materials of which the same was composed to a convenient place and (unless the expenses of the Board be paid to them within fourteen days after such removal) sell the same as they think proper; and all expenses incurred by the Board in executing such order and in disposing of the said materials may be deducted by the Board out of the proceeds of such sale, and the balance, if any, shall be paid by the Board on demand to the person entitled thereto; and in case such materials are not sold by the Board, or in case the proceeds of the sale of the same are insufficient to defray the expenses incurred by the Board as aforesaid, the Board may recover such expenses or such insufficiency from such owner or occupier, together with all costs and expenses in respect thereof, in like manner as if the same were a penalty imposed by this part of this Act.

Power to Board to exercise powers of vestries and district boards under s. 75 of 25 & 26 Vict c 102 with respect to buildings, &c. erected beyond general line of buildings.

10. The powers conferred by the seventy-fifth section of the Metropolis Management Amendment Act, 1862, upon the vestry of any parish and the board of works of any district with respect to any building or erection situate in such parish or district in case such building or erection has been erected, or begun to be erected or raised, beyond the general line of buildings in the street, place, or row of houses in which the same is situate without the consent in writing of the Board, or contrary to the terms and conditions on which such consent may have been granted (including the powers for the recovery of expenses), shall extend and apply to and may be exercised by the Board in like manner as by such vestry or board of works.

PART III.

The Metropolitan Building Act and Part III. of Act to be construed as one Act

11. The Metropolitan Building Act, 1855, and the Acts amending the same, and this part of this Act shall be construed together as one Act.

Board may impose condition requiring removal of iron or other buildings of a temporary character within certain period.

12. Whenever an application is made to the Board by any person stating his desire to erect in any place any iron or other building of a temporary character to which the rules of the Metropolitan Building Act, 1855, and the Acts amending the same, are inapplicable, the Board may, in case of their approval of the plan and particulars of such building, limit the period during which such building shall be allowed to remain in such place, and may make such approval subject to such conditions as to the removal of such building or otherwise as they may think fit; and if at the expiration of the period limited by the Board during which such building is allowed to remain in such place such building is not removed in accordance with such conditions, the Board may, by notice in writing, require the occupier or owner of such building to remove such building within a reasonable time, to be specified in such notice, and in case such occupier or owner fails to comply with the requirements of such notice within such time as aforesaid

he shall be liable to a penalty not exceeding five pounds for such default, and to a further penalty not exceeding forty shillings for every day on which such default continues after the day on which the first penalty is incurred.

Provided always, that notwithstanding the imposition and recovery of any penalty, the Board may, at any time after default in complying with the requirements of such notice, if they think proper, cause complaint thereof to be made before a justice of the peace, who shall thereupon issue a summons requiring such occupier or owner to appear, at a time and place to be stated in the summons, to answer such complaint, and if at the time and place appointed in such summons the said complaint is proved to the satisfaction of the justice before whom the same is heard, such justice may make an order, in writing, authorising the Board to enter upon the land upon which such building is situated, and to remove or take down the same, and do whatever may be necessary for such purpose, and also to remove the materials of which the same is composed to a convenient place and (unless the expenses of the Board be paid to them within fourteen days after such removal) sell the same as they think proper; and all expenses incurred in respect of any such order, and of entering and removing or taking down any such building, and in disposing of the said materials may be deducted by the Board out of the proceeds of such sale, and the balance (if any) shall be paid by the Board on demand to the person entitled thereto; and in case such materials are not sold by the Board, or in case the proceeds of the sale of the same are insufficient to defray the expenses incurred by the Board as aforesaid, the Board may recover such expenses or such insufficiency from the occupier or owner of such building, together with all costs and expenses in respect thereof, in like manner as if the same were a penalty imposed by this part of this Act.

Temporary or movable wooden structures or erections not to be erected without license of Board.

13. It shall not be lawful for any person to erect or set up in any place any wooden structure or erection of a movable or temporary character (unless the same be exempt from the operation of the first part of the Metropolitan Building Act, 1855,) without a license in writing first had and obtained from the Board for the erection or setting up of such structure or erection in such place, and every such license may contain such conditions with respect to such structure or erection and the time for which it is to be permitted to continue in such place as the Board may think expedient, and if any person erects or sets up any such structure or erection in any place without having had and obtained such license to erect or set up the same in such place, or makes default in observing any of the conditions contained in such license, or is guilty of any breach of such conditions, he shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day on which any such structure or erection continues erected or set up, without such license being had and obtained. or upon which such default or breach continues after the day on which the first penalty is incurred.

Provided always, that a license shall not be required in the case of any wooden structure or erection of a movable or temporary character erected by a builder for use during the construction, alteration,

or repair of any building, unless the same is not taken down or removed immediately after such construction, alteration, or repair.

14. Every new building begun to be erected upon a site not previously occupied in whole or in part by a building, after the passing of this Act, intended to be used wholly or in part as a dwelling-house shall, unless the Board otherwise permit, have directly attached thereto and in the rear thereof an open space exclusively belonging thereto of the following extent:

As to open spaces to dwellings.

Where such building has a frontage not exceeding 15 feet the extent of the open space shall be 150 square feet at the least;

Where such building has a frontage exceeding 15 feet, but not exceeding 20 feet, the extent of the open space shall be 200 square feet at the least;

Where such building has a frontage exceeding 20 feet, and not exceeding 30 feet, the extent of the open space shall be 300 square feet at the least; and

Where such building has a frontage exceeding 30 feet the extent of the open space shall be 450 square feet at the least.

Every such open space shall be free from any erection thereon above the level of the ceiling of the ground floor storey, and shall extend throughout the entire width (exclusive of party or external walls) of such building at the rear thereof.

The provisions of this enactment shall be in addition to and shall form part of the rules of the Metropolitan Building Act, 1855, and the said Act shall be construed accordingly.

15. Where it is proposed to convert or alter any building erected for a purpose other than a public purpose into a public building within the meaning of the Metropolitan Building Act, 1855, and the Acts amending the same, such conversion or alteration, and the public building thereby formed, including the walls, roofs, floors, galleries, and staircases of the same, shall be carried into effect and constructed respectively in such manner as may be approved by the district surveyor, or in the event of disagreement may be determined by the Board, and the provisions of the Metropolitan Building Act, 1855, and of the Acts amending the same, with respect or applicable to the construction of public buildings shall extend and apply to such alteration or conversion as though such alteration or conversion were the construction of a public building.

Conversion of houses, &c. into public buildings.

16. From and after the passing of this Act the restrictions imposed by the twenty-first section of the Metropolitan Building Act, 1855, with respect to the distance at which pipes for conveying hot water or steam may be placed from any combustible materials shall not apply in the case of pipes for conveying hot water or steam at low pressure.

Amendment of provisions of 18 & 19 Vict. c. 122. s. 21. with respect to hot water pipes.

17. Where a building or structure is ruinous, or so far dilapidated as thereby to have become and to be unfit for use or occupation, or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood, the Board may make complaint thereof to a justice of the peace, who shall thereupon issue a summons requiring the owner and occupier of such building or structure, herein-after referred to as a "neglected structure," to appear, at a time and place to be stated in the summons, to answer such complaint, and if at the time and place

Dilapidated and neglected buildings.

appointed in such summons the said complaint is proved to the satisfaction of the justice before whom the same is heard, such justice may, if he sees good cause, order the owner or, on his default, the occupier to take down or repair or rebuild the neglected structure or any part thereof, or to fence in the ground upon which the same stands, or any part thereof, or otherwise to put the same or any part thereof into a state of repair and good condition, to the satisfaction of the Board, within a reasonable time to be fixed by the order, and may also make an order for the costs incurred up to the time of the hearing.

If the order is not obeyed the Board may, with all convenient speed, enter upon the neglected structure or such ground as aforesaid and execute the order.

Where the order directs the taking down of a neglected structure or any part thereof, the Board, in executing the order, may remove the materials to a convenient place and (unless the expenses of the Board under this section in relation to such structure be paid to them within fourteen days after such removal) sell the same as they think fit.

All expenses incurred by the Board under this section in relation to a neglected structure may be deducted by the Board out of the proceeds of such sale, and the balance (if any) shall be paid by the Board on demand to the person entitled thereto, and in case such neglected structure or some part thereof is not taken down, and such materials are not sold by the Board, or in case the proceeds of the sale of the same are insufficient to defray the expenses incurred by the Board as aforesaid, the Board may recover such expenses or such insufficiency from the owner of such neglected structure, together with all costs and expenses in respect thereof, in like manner as if the same were a penalty imposed by this Act, but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

Provisions for better securing payments to Board of expenses incurred by Board in respect of dangerous or neglected structures

18. Where under the provisions of the Metropolitan Building Act, 1855, and the Acts amending the same, with respect to dangerous structures, or under the provisions of this Act with respect to neglected structures, the Board have incurred any expenses in respect of any dangerous structure or any neglected structure, and have not been paid or have not recovered the same, the Board may, after giving notice of their intention to do so, in manner herein-after mentioned, to the owner of such dangerous or neglected structure, apply to a justice of the peace, at the time and place named in such notice, for an order fixing the amount of such expenses and the costs of such application, and directing that no part of the land upon which such dangerous or neglected structure stands or stood shall be built upon, or that no part of such neglected structure, if repaired or rebuilt, shall be let for occupation until after payment to the Board of the amount of such expenses and costs as fixed by such order; and such justice, on proof of such expenses having been incurred by the Board, and after hearing the parties appearing before him, may make such order as aforesaid, and thereupon and until payment to the Board of the amount fixed by such order no part of such land shall be built upon, and no part of such neglected structure so repaired or rebuilt shall be let for occupation.

Every such order shall be signed in duplicate by such justice, and one of such orders shall be retained by the officer of the Court in which such justice made the same and the other of such orders shall be kept at the office of the Board.

The Board shall keep at their principal office a register of all such orders as may from time to time be made under the authority of this section, and shall keep the same open for inspection by all persons at all reasonable times, and any such order not entered in such register within ten days after the making of the same shall cease to be of any force or effect.

A notice of the intention to make an application for any such order may be printed or written, or partly printed and partly written.

As to summonses and notices in the cases of dangerous and neglected structures.

19. Any summons or notice under this Act with respect to a dangerous or neglected structure shall be served or given in accordance with the provisions of section ninety-eight of the Metropolitan Building Act, 1855: Provided always, that where the owner of any such dangerous or neglected structure is not known to or cannot be found by the Board or their officers, any such summons or notice shall be deemed to be duly served or given if a copy of the same be posted in a conspicuous place on such dangerous structure or neglected structure, or on the land whereon it stands or stood, at least two months before the time named in such summons or notice for the hearing of such complaint or for the making of such application.

Proceedings as to irregular buildings, &c

20. Proceedings with respect to any irregular building or structure shall not be prejudiced or affected by the removal or falling in of the roof of such building or structure.

Provisions as to settlement of differences between building and adjoining owners

21. Where in any case not specially provided for by the Metropolitan Building Act, 1855, a difference has arisen between a building owner and an adjoining owner in respect of any matter arising under the said Act, and both parties have concurred in the appointment of one surveyor for the settlement of such difference in manner prescribed by section eighty-five of the Metropolitan Building Act, 1855, then and in every such case, if such surveyor refuses or for seven days neglects to act, or dies, or becomes incapable to act before he has made his award, the matters in dispute shall be determined, under the provisions of the said section, in the same manner as if such single surveyor had not been appointed.

When any such difference as aforesaid has arisen and each party has appointed a surveyor for the settlement of such difference in manner prescribed by the said section, and a third surveyor has been selected, then and in every such case, if such third surveyor refuses or for seven days neglects to act, or before such difference is settled dies or becomes incapable to act, the two surveyors shall forthwith, after such refusal, neglect, death, or incapacity, select another third surveyor in his place, and every third surveyor so to be selected as aforesaid shall have the same powers and authorities as were vested in the third surveyor at the time of such his refusal, neglect, death, or incapacity as aforesaid.

When any such difference as aforesaid has arisen, and each party has appointed a surveyor for the settlement of such difference in manner prescribed by the said section, then, if the two surveyors so appointed refuse or for seven days after request of either party

neglect to select a third surveyor or another third surveyor in the event of the refusal or neglect to act, death, or incapacity of the third surveyor for the time being, one of Her Majesty's Principal Secretaries of State may, on the application of either party, select some fit person to act as third surveyor, and every surveyor so selected as aforesaid shall have the same powers and authorities as if he had been selected as a third surveyor by the two surveyors so appointed by the parties.

When any such difference as aforesaid has arisen, and each party has appointed a surveyor for the settlement of such difference in manner prescribed by the said section, then and in every such case, if before such difference is settled any such surveyor so appointed as aforesaid by either party dies or becomes incapable to act, the party by whom such surveyor was appointed may appoint in writing some other surveyor to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other surveyor may proceed ex parte, and the decision of such remaining or other surveyor shall be as effectual as if he had been a single surveyor in whose appointment both parties had concurred, and every surveyor so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former surveyor at the time of such his death or disability as aforesaid.

When any such difference as aforesaid has arisen, and each party has appointed a surveyor for the settlement of such difference in manner prescribed by the said section, then and in every such case, if either of the surveyors refuses or for seven days neglects to act, the other surveyor may proceed ex parte, and the decision of such other surveyor shall be as effectual as if he had been a single surveyor in whose appointment both parties had concurred.

PART IV.

Recovery of penalties.

22. Every penalty imposed by Part II. of this Act may be recovered by summary proceedings before any justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolis Management Act, 1855, and the Acts amending the same; and every penalty imposed by Part III. of this Act may be recovered by summary proceedings before any justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolitan Building Act, 1855, and the Acts amending the same: Provided always, that in any proceedings against any person for more than one penalty in respect of one or more breach or breaches of any provision of this Act, or of any byelaw made in pursuance of this Act, it shall be lawful to include in one summons all such penalties, and the charge for such summons shall not exceed two shillings.

18 & 19 Vict. c. 120.

18 & 19 Vict. c. 122.

Exceptions from Metropolis Management Acts extended to this Act.

23. Her Majesty's royal palaces, and all buildings, works, and ground excepted from the operation of the Metropolis Management Act, 1855, and the Acts amending the same, or of any of the said Acts, shall be excepted from the operation of the provisions of this Act which are to be construed with such Acts, and all special exemptions from the provisions of any of the said Acts shall extend

18 & 19 Vict. c. 120.

to such of the provisions of this Act as are to be construed as aforesaid with such Acts.

24. Her Majesty's royal palaces, and all buildings, works, and ground excepted from the operation of the Metropolitan Building Act, 1855, and the Acts amending the same, or of any of the said Acts, shall be excepted from the operation of the provisions of this Act which are to be construed with such Acts, and all special exemptions from the provisions of any of the said Acts shall extend to such of the provisions of this Act as are to be construed as aforesaid with such Acts.

Exceptions from Metropolitan Building Acts extended to this Act. 18 & 19 Vict. c. 122.

25. Nothing in this Act shall apply to the Inner Temple, the Middle Temple, Lincoln's Inn, Gray's Inn, Staple Inn, Furnival's Inn, or the close of the collegiate church of Saint Peter, Westminster.

Act not to apply to the Inner and Middle Temple, &c.

26. The provisions of sections six, seven, eight, and thirteen of this Act shall not apply to the city of London and the liberties thereof.

Ss. 6, 7, 8, and 13 not to apply to city of London.

27. All the costs, charges, and expenses of and incident to the applying for, obtaining, and passing of this Act shall be paid by the Board.

Expenses of Act.

CHAPTER 15.

An Act to provide for the better application of Moneys paid by way of Compensation for the compulsory acquisition of Common Lands and extinguishment of Rights of Common. [19th June 1882.]

WHEREAS under the provisions of the Lands Clauses Consolidation Act, 1845, and of railway and other special Acts of Parliament, money is directed or authorised to be paid to a committee as compensation for the extinction of commonable rights or for lands, being common lands or in the nature thereof, the right to the soil of which belongs to the commoners:

8 & 9 Vict. c. 18.

And by the Lands Clauses Consolidation Act, 1845, and by the Inclosure Act, 1852, and the Inclosure Act, 1854, certain powers of apportioning and otherwise dealing with such money are conferred upon any such committee and upon the Inclosure Commissioners for England and Wales (herein-after called the Commissioners), but such powers are found in practice to be insufficient, and money paid by way of compensation as aforesaid is often in consequence useless to the persons interested therein:

15 & 16 Vict. c. 79. 17 & 18 Vict. c. 97.

And whereas it is expedient to give such powers of dealing with such compensation money as are herein-after specified, but such powers cannot be conferred without the sanction of Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Commonable Rights Compensation Act, 1882.

Short title.

2. (1.) With respect to any money which has been or hereafter may be paid by any railway or other public company or corporate

Application of compensation

money for common lands

body or otherwise under the provisions of the Lands Clauses Act and any Act incorporated therewith, or of any other Act of Parliament to a committee of commoners as compensation for the extinguishment of commonable or other rights or for lands being common lands or in the nature thereof the right to the soil of which may belong to the commoners, the committee (or a majority in number thereof) or, after the expiration of twelve months from the payment of such money to the committee, any three of the persons claiming to be interested in such money may make application in writing to the Commissioners to call a meeting of the persons interested in such money to consider the application thereof, and the Commissioners shall call a meeting accordingly, and at such meeting the majority in number and the majority in respect of interest of the persons present may decide by resolution that such money shall be applied and laid out in one or more of the following ways:

(*a.*) In the improvement of the remainder of the common land in respect of a portion of which such money has been paid;

8 & 9 Vict c. 118., &c

(*b.*) In defraying the expense of any proceedings under the Metropolitan Commons Acts or under the Inclosure Acts, 1845 to 1878, with reference to a scheme for the local management, or a Provisional Order for the regulation, of such common land, or of any application to Parliament for a Private Bill or otherwise for the preservation and management of such common land as an open space;

(*c.*) In defraying the expense of any legal proceedings for the protection of such common land, or the commoners' rights over the same;

(*d.*) In the purchase of additional land to be used as common land;

(*e.*) In the purchase of land to be used as a recreation ground for the neighbourhood,

and any such resolution shall bind the minority and all absent parties, and the Commissioners shall make an order under their seal for the payment to them of any expenses incurred by them in relation to the matter, and (subject to such payment) for the application of the money according to such resolution, and the committee or the persons in whose names such money stands or is invested, or the survivors or survivor in account of such persons, or the legal personal representative of such survivor, shall, upon service of any such order of the Commissioners as aforesaid upon them or any of them or any person on their behalf as the Commissioners may direct, pay and apply the said money or realise any security in which the same is invested, and pay and apply the proceeds thereof in manner directed by the said order.

(2.) Any land so purchased as aforesaid for use as common land shall be conveyed to and vest in trustees upon trusts for the persons interested, such trustees to be appointed, and such trusts, and the powers and duties of the trustees, and provisions for the appointment of new trustees from time to time to be declared and provided by an order under the seal of the Commissioners, pursuant to resolutions to be passed at a special meeting of the persons

interested, convened by the said Commissioners by such majorities as aforesaid.

(3.) Every appointment of a new trustee or of new trustees, in pursuance of this Act, shall be subject to confirmation by the Commissioners under their seal, and upon such confirmation the land shall vest in the remaining and the newly appointed trustees without any conveyance.

(4.) The Commissioners shall publish such notice of any meeting held under this Act, and frame such rules and give such directions for the conduct of such meetings and the service of orders made by them under this Act as they may deem fit, and may, if they think fit, direct an assistant commissioner appointed by them to preside at any such meeting, and any such meeting may be adjourned from time to time.

(5.) Any land so purchased as aforesaid for use as recreation ground shall be conveyed to and vest in the local authority as specified in the schedule to this Act for the district within which such land is situate, and shall be held and managed by such local authority, subject to and in accordance with the provisions relating to recreation grounds respectively contained in the Inclosure Acts, 1845 to 1878.

Application of compensation money for recreation grounds and field gardens.

3. Any moneys heretofore paid or hereafter to be paid by any railway or other public company or body corporate or otherwise under the provisions of the Lands Clauses Act, 1845, and any Act incorporated therewith, or of any other Act of Parliament, to any local authority as specified in the schedule to this Act, or to the churchwardens and overseers of a parish in respect of any recreation ground or allotment for field gardens taken under the powers of any such Act or Acts of Parliament shall be applied in manner provided by the Inclosure Acts, 1845 to 1878, as amended by the Commons Act, 1879, with respect to the surplus rents arising from recreation grounds and field gardens respectively.

42 & 43 Vict c. 37.

Provision for cases where money paid by way of compensation has already been applied in the manner authorised by this Act.

4. In any case where money paid by way of compensation as aforesaid has, before the passing of this Act, been applied in any one or more of the ways authorised by this Act, a resolution may be passed, at any meeting of the persons interested, called by the Commissioners in manner provided by this Act, by such majorities as aforesaid approving of such application, and such application shall, upon the allowance of such resolution by the Commissioners under their seal, be deemed to have been lawfully made under the provisions of this Act; and the committee or other persons by whom such money has been so applied shall thereupon be discharged from all liability in respect of such money so applied. And the provisions in this Act contained with respect to the declaration of trusts, and the powers and duties of trustees, and the appointment of new trustees, from time to time, shall apply in every case in which such money has, before the passing of this Act, been laid out in the purchase of land.

Deposit of orders.

5. Copies of all orders made by the Commissioners under this Act shall be deposited and kept in like manner as copies of an award are by the Inclosure Act, 1845, directed to be deposited and kept.

Exception of the New Forest.

6. This Act shall not extend to the New Forest.

SCHEDULE.

Situation of Land.	Local Authority.
Within the Metropolis - -	The Metropolitan Board of Works.
Not within the Metropolis, but within the district of an urban sanitary authority, as defined by the Public Health Act, 1875, or any Act amending the same.	The urban sanitary authority.
Elsewhere than within the Metropolis or the district of an urban sanitary authority as above defined.	The churchwardens and overseers of the parish.

CHAPTER 16.

An Act to amend the Irish Reproductive Loan Fund Act, 1874. [19th June 1882.]

WHEREAS under the provisions of an Act of Parliament passed in the session of the thirty-seventh and thirty-eighth years of the reign of Her present Majesty, chapter eighty-six, intituled "The Irish Reproductive Loan Fund Act, 1874," loans have been made for fishing purposes which have proved to be of great public utility and of important benefit to the poorer classes of fishermen in certain counties in Ireland; and it is expedient for the still further encouragement and promotion of the Fisheries that the provisions of said Act should be amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited for all purposes as the Irish Reproductive Loan Fund Amendment Act, 1882.

Repeal of clauses 2 and 3 of s. 5. of 37 & 38 Vict. c. 86.

2. The second and third clauses of the fifth section of the Act thirty-seventh and thirty-eighth Victoria, chapter eighty-six, which limit the amount of loans to be made in any one year to a certain proportion of the fund standing to the credit of the county in which such loans are made, are hereby repealed; and it shall be lawful for the Commissioners, under the said Act, to advance, by way of loan, such amount, not exceeding in the whole the amount standing to the credit of each county in any year, as the Inspectors of Irish Fisheries may from time to time recommend, subject to the provisions of the said Act and the rules made thereunder by the Lord Lieutenant in Council.

Lord Lieutenant in Council may make rules for supply of boats and gear to borrowers in lieu of money.

3. In addition to any rules heretofore made the Lord Lieutenant in Council may make such further rules as may seem expedient to enable the Inspectors of Irish Fisheries to supply, in cases where they may deem it expedient, to persons obtaining loans under the said Act and this Act, boats or fishing-gear in lieu of money; and on the certificate of the Inspectors that such boats and gear have

been supplied the Commissioners may pay for such boats and gear instead of paying the money to the borrowers, which shall be as effectually binding on the borrowers, so far as the liabilities or securities they may have entered into with the Commissioners shall extend, as if such borrowers had received the actual value of such securities in money instead of boats and gear.

Recovery of loans. Summary powers.

4. All moneys of whatever amount, and at whatever time they may have accrued, due to the Commissioners on account of loans made by them under the said recited Act or this Act, including any costs and charges in respect of such loans or the recovery thereof, may be recovered before the justices in petty sessions, in the manner prescribed by the Act of the twenty-second year of the reign of Her present Majesty, chapter fourteen, and any Acts amending it.

The power given by this section shall be deemed to be in addition to and not in derogation of any other powers to which the Commissioners may be entitled at common law or in equity of recovering any moneys due to them, and the Commissioners may use any such powers accordingly.

Certificate of amount due.

5. A certificate, purporting to be under the seal of the Commissioners and to be signed by one of them, stating the amount due to the Commissioners from any person in respect of any loan made to him under the said recited Act or this Act, together with interest thereon, and any costs and charges in respect of such loans or the recovery thereof, shall, until the contrary is proved, be evidence of the amount due and of the liability of the party therein named to pay the same; and it shall be sufficient, notwithstanding any rule, order, or form of procedure in any court whatsoever, if such certificate be produced to the court before which proceedings are instituted for the recovery of any such sum by any person delegated by the said Commissioners, or any one of them, to produce such certificate.

Two Acts to be construed as one Act.

6. This Act and the said recited Act may be read and construed as one Act.

CHAPTER 17.

An Act for the transfer of Property in Ireland held for the Service of Her Majesty's Customs and of the Inland Revenue to the Commissioners of Public Works in Ireland; and for other purposes relating thereto.

[3rd July 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Customs and Inland Revenue Buildings (Ireland) Act, 1882.

Lands, &c. held for the service of the Customs to vest in the Board of Works.

2. All lands and hereditaments in Ireland which are at the time of the passing of this Act vested in the secretary to the Commissioners of Her Majesty's Customs, (in this Act called the Commissioners of Customs,) or any other person in trust for the Commissioners or for the use and service of Her Majesty's Customs, and

also all lands and hereditaments in Ireland which are at the time of the passing of this Act vested in the Commissioners of Her Majesty's Works and Public Buildings for the use and service of the Inland Revenue, shall become and are hereby vested in the Commissioners of Public Works in Ireland (herein-after called the Commissioners of Public Works) for the public service, and shall be subject to the provisions of the Act of the session held in the thirty-second and thirty-third years of the reign of Her present Majesty, chapter seventy-four, in all respects as if the same had been acquired under the provisions of that Act.

As to completion of existing contracts.

3. All contracts entered into by or on behalf of the Commissioners of Customs in respect of any lands or hereditaments in Ireland for the use and service of the Customs, and not at the time of the passing of this Act fully performed and completed, and also all contracts entered into by or on behalf of the Commissioners of Her Majesty's Works and Public Buildings in respect of any lands or hereditaments in Ireland for the use and service of the Inland Revenue, and not at the time of the passing of this Act fully performed and completed, may be enforced and shall be performed and completed for the public service in like manner as if the Commissioners of Public Works had been parties thereto instead of the Commissioners of Customs, or the Commissioners of Her Majesty's Works and Public Buildings, as the case may be.

Board of Works empowered to purchase lands.

4. The Commissioners of Public Works shall, under and subject to the provisions of the Act of the session of the thirty-second and thirty-third years of the reign of Her present Majesty, chapter seventy-four, and under the direction of the Commissioners of the Treasury, from time to time purchase, hire, or otherwise acquire such lands or hereditaments as may be necessary for the service of Her Majesty's Customs in Ireland, or for the service of the Inland Revenue in Ireland; and for the purpose of any such purchase the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, except so much thereof as relates to the purchase of land otherwise than by agreement, are hereby incorporated with this Act, the special Act being construed to mean this Act, and the promoters of the undertaking being construed to mean the Commissioners of Public Works.

8 & 9 Vict. c. 18.

Incorporation of 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 14 & 15 Vict. c. 70. 23 & 24 Vict. c. 97. 27 & 28 Vict. c. 71. 31 & 32 Vict. c. 70. 16 & 17 Vict. c. 107. 39 & 40 Vict. c. 36. 42 & 43 Vict. c. 36.

5. Whenever the Commissioners of the Treasury have exercised, with reference to lands or hereditaments in Ireland, the power conferred on them by the three hundred and thirty-fifth section of the Customs Consolidation Act, 1853, the purchase or acquisition of such lands or hereditaments shall, instead of being carried into effect in the manner prescribed by the said Act, as amended by the Customs Consolidation Act, 1876, and the Customs Buildings Act, 1879, be carried into effect in the manner prescribed by the Lands Clauses Consolidation (Ireland) Acts, 1845 to 1868; and for that purpose the Customs Consolidation Act, 1853, shall be deemed to be the special Act; and the "Promoters of the undertaking," "Railway," and "Company," shall be construed to mean the Commissioners of Public Works.

In this section the term "Lands Clauses Consolidation (Ireland) Acts, 1845 to 1868," means the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation

Acts Amendment Act, 1860; the Railways Act (Ireland), 1851; the Railways Act (Ireland), 1860; the Railways Act (Ireland), 1864; and the Railways Traverse Act.

Power to sell and let lands.

6. The Commissioners of Public Works may from time to time, under the direction of the Commissioners of the Treasury, sell, exchange, demise, or in any manner dispose of any lands or hereditaments vested in or acquired by them under the provisions of this Act; and, in the case of sales or exchanges of lands or hereditaments held for the use and service of the Customs, the two hundred and seventy-fifth section of the Customs Consolidation Act, 1876, shall apply to such sales or exchanges, with this modification, that the moneys therein referred to shall be paid to the Commissioners of Public Works instead of to the Commissioners of Customs, and that the receipt of the Commissioners of Public Works (endorsed on the conveyance, surrender, or assignment), shall effectually discharge the purchaser or person by whom or on whose account the same shall be paid.

39 & 40 Vict. c. 36.

CHAPTER 18.

An Act to regulate the procedure of School Boards in Scotland in the dismissal of Teachers. [3rd July 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Public Schools (Scotland) Teachers Act, 1882.

Definition. 35 & 36 Vict c. 62.

2. In this Act "certificated teacher" shall mean a teacher holding or who is deemed to hold a certificate of competency within the meaning of the Education (Scotland) Act, 1872.

Three weeks notice to be given to members of School Boards and teacher of motion for dismissal.

3. In order to secure that no certificated teacher appointed by and holding office under a School Board in Scotland shall be dismissed from such office without due notice to the teacher and due deliberation on the part of the School Board, the following provisions shall from and after the passing of this Act have effect; (that is to say,)

(1.) No resolution of a School Board for the dismissal of a certificated teacher shall be valid unless adopted at a meeting called not less than three weeks previously by circular sent to each member intimating that such dismissal is to be considered, and unless notice of the motion for his dismissal shall have been sent to the teacher not less than three weeks previous to the meeting. Such circulars shall be held to have been delivered to the members of the School Board if sent by the clerk by post addressed to the usual or last known place of abode of each member, and such notice to the teacher shall be held to have been delivered if sent by the clerk by post in a registered letter addressed to the usual or last known place of abode of such teacher.

Adoption of resolution for dismissal.

(2.) No resolution of a School Board for the dismissal of a certificated teacher shall be valid unless agreed to by a majority of the full number of members of such School Board.

Suspension.

4. Notwithstanding anything contained in this Act, it shall be lawful for a School Board summarily to suspend any teacher from the exercise of his duties; but such suspension shall not affect the teacher's right to the salary or other emoluments attached to his office, and nothing contained in this Act shall affect the rights of teachers appointed before the passing of the Education (Scotland) Act, 1872, in so far as the same are saved by that Act.

CHAPTER 19.

An Act to amend the law relating to the interment of any person found felo de se. [3rd July 1882.]

WHEREAS it is expedient that the laws and usages relating to the interment of the remains of persons against whom a finding of felo de se shall be had should be further altered and amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of 4 Geo. 4. c. 52.

1. The Act of the fourth year of George the Fourth, chapter fifty-two, intituled "An Act to alter and amend the law relating to "the interment of the remains of any person found felo de se," shall be and the same is hereby repealed.

Coroner to give directions for interment.

2. From and after the passing of this Act it shall not be lawful for any coroner or other officer having authority to hold inquests to issue any warrant or other process directing the interment of the remains of persons against whom a finding of felo de se shall be had in any public highway, or with any stake being driven through the body of such person, but such coroner or other officer shall give directions for the interment of the remains of such person felo de se in the churchyard or other burial ground of the parish or place in which the remains of such person might by the laws or custom of England be interred if the verdict of felo de se had not been found against such person.

Interment. 43 & 44 Vict. c. 41.

3. The interment of any such person as aforesaid may be made in any of the ways prescribed or authorised by the Burial Laws Amendment Act, 1880.

Rites of Christian burial not to be performed on interment.

4. Save as aforesaid, nothing herein contained shall authorise the performing of any of the rites of Christian burial on the interment of the remains of any such person as aforesaid, or be taken to alter the laws or usages relating to the burial of such persons.

Extent of Act.

5. This Act shall extend to the Channel Islands, but shall not apply to Scotland or to Ireland.

Short title.

6. This Act may be cited as the Interments (felo de se) Act, 1882.

CHAPTER 20.

An Act to amend the Poor Rate Assessment and Collection Act, 1869. [3rd July 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act shall be called the Poor Rate Assessment and Collection Act, 1869, Amendment Act, 1882.

Interpretation. 32 & 33 Vict. c. 41.

2. This Act and the Poor Rate Assessment and Collection Act, 1869, as amended, shall be read as one Act.

Payment of rates by outgoing occupier to be proportionate to time of occupation

3. The provisions of the sixteenth section of the Poor Rate Assessment and Collection Act, 1869, so far as regards the payment of rates by an outgoing occupier, shall extend and apply to any outgoing occupier assessed in the rate, and such outgoing occupier shall only be liable to pay so much of the rate as shall be proportionate to the time of his occupation within the period for which the rate was made, notwithstanding he may not be succeeded in his occupation by an incoming tenant.

Publication of rate where no parish church.

4. In a parish in which there is no church or chapel of the parish, a poor rate, whether made before or after the passing of this Act, shall be deemed to have been duly published if, within fourteen days after the making of the rate, notice thereof has been given by affixing such notice in some public and conspicuous place or situation in the parish.

CHAPTER 21.

An Act to amend the Places of Worship Sites Act, 1873. [12th July 1882.]

WHEREAS by the Places of Worship Sites Act, 1873, facilities are afforded for the conveyance of pieces of land not exceeding in quantity one acre for sites for places of religious worship and for burial places, but doubts have been entertained whether conveyances can be made under that Act by corporations and public bodies, and it is expedient to remove such doubts: 36 & 37 Vict. c. 50.

And whereas cases have arisen in which tenants for life are unable to make conveyances under the said Act by reason that the person next entitled to the manor or lands for a beneficial interest in fee simple or fee tail is unborn or unascertained; and it is expedient to grant increased facilities for making such conveyances:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Conveyance of lands by corporations and other public bodies.

1. The Places of Worship Sites Act, 1873, shall be construed as extending to authorise any corporation, ecclesiastical or lay, whether sole or aggregate, and any officers, justices of the peace, trustees, or commissioners holding land for public, ecclesiastical, parochial, charitable, or other purposes or objects, to grant, convey,

or enfranchise for the purposes of the Act such quantity of land as therein mentioned: Provided as follows:

(*a*.) An ecclesiastical corporation sole, being below the dignity of a Bishop, shall not make any such grant without the consent in writing of the Bishop of the diocese to whose jurisdiction he is subject:

(*b*) A municipal corporation shall not make any such grant without the consent in writing of the Commissioners of Her Majesty's Treasury:

(*c*.) Parochial property shall not be so granted without the consent of a majority of the ratepayers and owners of property in the parish to which the property belongs, assembled at a meeting to be convened according to the mode pointed out in the Act of the session held in the fifth and sixth years of the reign of King William the Fourth, chapter 69, intituled "An Act to facilitate the conveyance of workhouses and other "property of parishes, and of incorporations or unions of "parishes in England and Wales," and of the Local Government Board and of the guardians of the poor of the parish or of the union comprising the parish, testified by their being parties to the conveyance:

5 & 6 W. 4 c. 69.

(*d*) Property held on trust for charitable purposes shall not be so granted without the consent of the Charity Commissioners for England and Wales.

Power for limited owner in case of unborn or unascertained remainderman to convey, &c.

2. The said Act shall be construed as extending to authorise any person seised or entitled only for life or lives of or to any manor or lands of freehold tenure to make such grant, conveyance, or enfranchisement as is mentioned in the said Act in cases where the person next entitled to the same for a beneficial interest in remainder in fee simple or fee tail is unborn or unascertained: Provided that no such grant, conveyance, or enfranchisement made by any such person seised only for a life or lives shall be valid unless the person seised or entitled for a beneficial interest for life or lives, or for an estate in fee simple or fee tail (as the case may be) in remainder immediately expectant on the estate of such unborn or unascertained person of or to such manor or lands (if any, and if legally competent) shall be a party to and shall join in the same; and if there be no such person, or if such person be not legally competent, unless the trustees or trustee (if any) of such manor or lands during the suspense or contingency of the then immediate or expectant estate in fee simple or fee tail in such manor or lands shall in like manner concur.

Short title.

3. This Act may be cited as the Places of Worship Sites Amendment Act, 1882.

CHAPTER 22.

An Act to make better provision for Inquiries with regard to Boiler Explosions. [12th July 1882.]

WHEREAS special provision has been made by law for making inquiry into the causes and circumstances of boiler explosions on board ships and on railways, and it is expedient that like

provision be made for making inquiries with respect to boiler explosions in other cases:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Boiler Explosions Act, 1882. Short title.

2. This Act shall extend to the whole of the United Kingdom. Extent of Act.

3. In this Act the term "boiler" means any closed vessel used for generating steam, or for heating water, or for heating other liquids, or into which steam is admitted for heating, steaming, boiling, or other similar purposes. Interpretation of terms.

The term "court of summary jurisdiction" means any justices of the peace, metropolitan police magistrate, stipendiary magistrate, sheriff, sheriff substitute, or other magistrate or officer, by whatever name called, who is capable of exercising jurisdiction in summary proceedings for the recovery of penalties.

4. This Act shall not apply to any boiler used exclusively for domestic purposes, or to any boiler used in the service of Her Majesty, or to any boiler on board a steamship having a certificate from the Board of Trade, or to any boiler explosion into which an inquiry may be held under the provisions of the Coal Mines Regulation Act, 1872, and the Metalliferous Mines Regulation Act, 1872, or either of them. Application of Act. 35 & 36 Vict. c. 76. 35 & 36 Vict. c. 77.

5. (1.) On the occurrence of an explosion from any boiler to which this Act applies, notice thereof shall, within twenty-four hours thereafter, be sent to the Board of Trade by the owner or user, or by the person acting on behalf of the owner or user. Notice of boiler explosion to be sent to the Board of Trade.

(2.) The notice shall state the precise locality as well as the day and hour of the explosion, the number of persons injured or killed, in addition to the purposes for which the boiler was used, and, generally, the part of the boiler that failed, and the extent of the failure, and such other particulars, if any, as the Board of Trade by notice inserted in the London Gazette may require, and shall be in the form printed in the schedule to this Act, or in such other form as the Board of Trade may from time to time approve for the purpose.

(3.) If default is made in complying with the requirements of this section, the person in default shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

6. (1.) On receiving notice of a boiler explosion the Board of Trade may, if it thinks fit, appoint one or more competent and independent engineer or engineers, practically conversant with the manufacture and working of boilers, to make a preliminary inquiry with respect to the explosion, and the persons so appointed shall have the powers conferred on the court by sub-section (4) of this section. If it appears to the Board of Trade, either upon or without such preliminary inquiry, that a formal investigation of the causes and circumstances attending the explosion is expedient, the Board of Trade may direct a formal investigation to be held; and with respect to such investigation the following provisions shall have effect: Power for Board of Trade to direct inquiry as to boiler explosion.

(2.) Formal investigations of boiler explosions shall be made at or near the place of such explosion by a court consisting of not less

than two commissioners appointed by the Board of Trade, of whom one at least shall be a competent and practical engineer specially conversant with the manufacture and working of steam boilers, and one a competent lawyer. The court shall be presided over by one of the commissioners, the selection being made by the Board of Trade.

(3.) Any such formal investigation shall be held in open court, in such manner, and under such conditions, as the commissioners may think most effectual for ascertaining the causes and circumstances of the explosion, and for enabling them to make the report herein-after mentioned in this section.

(4.) The court shall have, for the purpose of its investigations, all the powers of a court of summary jurisdiction when acting as a court in the exercise of its ordinary jurisdiction, and shall in addition have the following powers; viz,

(*a.*) The court, or any one appointed by it, may enter and inspect any place or building, the entry or inspection whereof appears to the court requisite for the said purpose:

(*b.*) It may by summons under its hand require the attendance of all such persons as it thinks fit to call before it, and examine for the said purpose, and may for such purpose require answers or returns to such inquiries as it thinks fit to make:

(*c.*) It may require and enforce the production of all books, papers, and documents which it considers important for the said purpose:

(*d.*) It may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination:

(*e.*) Every person so summoned, not being the owner or user of the boiler, or in the service or employment of the owner or user, or in any way connected with the working or management of the boiler, shall be allowed by the Board of Trade such expenses as would be allowed to a witness attending on subpœna before a court of record, and in Scotland to a witness attending a criminal trial by jury in the sheriff court; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of the superior courts, and in Scotland to the auditor of the Court of Session, who, on request under the hands of the members of the court, shall ascertain and certify the proper amount of such expenses.

(5.) The court making a formal investigation with respect to any boiler explosion, shall present a full and clear report to the Board of Trade, stating the causes of the explosion, and all the circumstances attending the same, with the evidence, adding thereto any observations thereon, or on the evidence, or on any matters arising out of the investigation which they think right to make, and the Board of Trade shall cause every such report to be made public in such manner as it thinks fit. When no formal investigation is held, the report presented to the Board of Trade by the engineer making a preliminary inquiry with respect to a boiler explosion shall be made public in such manner as the Board of Trade thinks fit.

7. The court may order the costs and expenses of a preliminary inquiry or formal investigation or any part thereof, including therein the remuneration of persons holding such inquiry or investigation, to be paid by any person summoned before it, or by the Board of Trade; and such order shall, on the application of any party entitled to the benefit of the same, be enforced by any court of summary jurisdiction as if such costs and expenses were a penalty imposed by such court. As to costs and expenses of inquiry.

The Board of Trade may, if they think fit, pay to the persons holding any inquiry or investigation under this Act such remuneration as they may with the consent of the Treasury appoint.

If and so far as not otherwise provided for, all costs and expenses incurred by the Board of Trade, including any remuneration paid under this section, and any costs and expenses ordered by the court to be paid by the Board of Trade, shall be paid out of moneys to be provided by Parliament.

8. Any fine payable under this Act shall be recoverable in England in the manner provided by the Summary Jurisdiction Acts, in Scotland in the manner provided by the Summary Jurisdiction Acts, 1864 and 1881, and of any Act or Acts amending the same, and in Ireland within the police district of Dublin metropolis, in accordance with the provisions of the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district elsewhere in Ireland in accordance with the provisions of the Petty Sessions (Ireland) Act, 1851 (14 & 15 Vict. c. 93), and any Act amending or affecting the same. Recovery of fines 27 & 28 Vict. c. 53. 44 & 45 Vict. c. 33.

SCHEDULE.

REPORT of EXPLOSION of a STEAM BOILER to be sent to the BOARD of TRADE within twenty-four hours after the occurrence of an EXPLOSION.

See Section 5.

1. Name of premises or works on which the boiler exploded.
2. Address by the post.
3. Day and hour of explosion.
4. Number of persons killed.
5. Number of persons injured.
6. General description of the boiler.
7. Purposes for which the boiler was used.
8. Part of the boiler which failed, and the extent of failure generally.
9. Pressure at which the boiler was worked.
10. Name and address of any society or association by whom the boiler was last inspected or insured.

Signature of person responsible for the accuracy of the particulars contained in this form.

Address
Date

CHAPTER 23.

An Act to extend the Public Health Act, 1875, to the making of Byelaws for Fruit Pickers. [12th July 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction of Act 38 & 39 Vict. c. 55

1. This Act may be cited as the Public Health (Fruit Pickers Lodgings) Act, 1882, and shall be construed as one with the Public Health Act, 1875.

Power to make byelaws for fruit pickers.

2. Section three hundred and fourteen of the Public Health Act, 1875, which enables any local authority to make byelaws for securing the decent lodging and accommodation of persons engaged in hop picking within the district of such authority, shall be deemed to extend to and authorise the making of byelaws for securing the decent lodging and accommodation of persons engaged in the picking of fruit and vegetables.

CHAPTER 24.

An Act to amend the Petty Sessions (Ireland) Act, 1851. [12th July 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of term "agent" in 14 & 15 Vict. c. 93

1. In the Petty Sessions (Ireland) Act, 1851, the word "agent" shall include the father, son, husband, wife, or brother of the complainant or defendant; provided that any such person be thereunto authorised in writing by the complainant or defendant (as the case may be), and to receive no remuneration therefor, and have the leave of the court to appear and be heard, and that the court is satisfied that such complainant or defendant is from infirmity, or other unavoidable cause, unable to appear.

Short title

2. This Act may be cited as the Petty Sessions (Ireland) Act, 1882, and the Petty Sessions (Ireland) Act, 1851, and this Act may be cited together as the Petty Sessions (Ireland) Acts, 1851, 1882.

CHAPTER 25.

An Act for the prevention of Crime in Ireland. [12th July 1882.]

WHEREAS by reason of the action of secret societies and combinations for illegal purposes in Ireland the operation of the ordinary law has become insufficient for the repression and prevention of crime, and it is expedient to make further provision for that purpose:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

SPECIAL COMMISSION.

Special Commission Court

1. (1.) The Lord Lieutenant may from time to time direct a commission or commissions to be issued for the appointment of a court or courts of special commissioners for the trial in manner provided by this Act of persons committed for trial for any of the following offences; that is to say,

(*a.*) Treason or treason-felony committed after the passing of this Act;

(*b.*) Murder or manslaughter;

(*c.*) Attempt to murder;

(*d.*) Aggravated crime of violence against the person;

(*e.*) Arson, whether by common law or by statute;

(*f.*) Attack on dwelling-house;

and whenever it appears to the Lord Lieutenant that in the case of any person committed for trial for any of the said offences a just and impartial trial cannot be had according to the ordinary course of law, the Lord Lieutenant may by warrant assign to any such court of Special Commissioners (in this Act referred to as a Special Commission court) the duty of sitting at the place named in the warrant and of there, without a jury, hearing and determining, according to law, the charge made against the person so committed for trial and named in the warrant, and of doing therein what to justice appertains.

(2.) A Special Commission court shall consist of three judges of the Supreme Court of Judicature in Ireland (other than the Lord Chancellor), to be named in such commission, and they shall try in open court, according to the tenor of a warrant under this Act, all persons named in the warrant who may be brought before them for trial.

(3.) The evidence taken on a trial before a Special Commission court, and the reasons, if any, given by the judges in delivering judgment, shall be taken down by a shorthand writer, who shall be sworn to take the same accurately to the best of his ability.

(4.) A person tried by a Special Commission court shall be acquitted unless the whole court concur in his conviction, and the judges of the said court shall in all cases of conviction give in open court the reasons for such conviction.

(5.) Where a person is tried by a Special Commission court he shall, if acquitted by such court, be entitled to be conveyed free of cost to any place he selects in the county in which he was committed for trial.

(6.) The Lord Lieutenant shall from time to time provide for the payment of the reasonable expenses of witnesses, and in the case of poor persons charged with treason, treason-felony, or murder, for the payment of counsel required for the defence of a person brought for trial before a Special Commission court, and certified to be so required by such court.

Provided that nothing in this Act shall empower a Special Commission court to try a person for any offence, unless a judge and

jury in Ireland would, but for this section, have had jurisdiction to try that person for the said offence.

Appeal from Special Commission court to Court of Criminal Appeal.

2. (1.) Any person convicted by a Special Commission court under this Act may, subject to the provisions of this Act, appeal either against the conviction and sentence of the court, or against the sentence alone, to the Court of Criminal Appeal herein-after mentioned, on any ground, whether of law or of fact; and the Court of Criminal Appeal shall (subject to the provisions of this Act) have power after hearing the appeal to confirm the conviction and sentence, or to enter an acquittal, or to vary the conviction or sentence.

Provided that—

(*a.*) The conviction shall not be varied save by substituting a conviction for some less offence, for which the Special Commission court had jurisdiction on the trial to convict the appellant; and

(*b.*) The sentence shall not be increased.

(2.) The conviction and sentence as confirmed or varied by the Court of Criminal Appeal shall have effect as if it were the conviction and sentence of the Special Commission court, and shall be deemed to be the sentence of a Special Commission court.

(3.) If the appellant establishes want of jurisdiction in the Special Commission court, the Court of Criminal Appeal may quash the proceedings.

(4.) The Court of Criminal Appeal shall have for the purpose of any appeal all the powers and jurisdiction of the Special Commission court.

Constitution of Court of Criminal Appeal. 40 & 41 Vict. c. 57.

3. (1.) The Court of Criminal Appeal under this Act shall consist of the judges of the Supreme Court of Judicature in Ireland (with the exception of the Lord Chancellor), and any of those judges not less than five may sit and exercise the powers of the court.

Provided that a judge who sat in the Special Commission court shall not sit in the Court of Criminal Appeal on any appeal against a conviction or sentence by that Special Commission court to which he was a party.

(3.) The determination of any appeal shall be according to the determination of a majority of the judges who heard the appeal.

PART II.

SPECIAL JURORS AND VENUE.

Special jurors in criminal

4. (1.) Where the trial of a person charged with an indictable offence would otherwise have been had by a jury before some court not being a court of general or quarter sessions, the Attorney General for Ireland, or the person charged, may, on serving the prescribed notice in the prescribed manner, require that the jury shall consist entirely of special jurors, and the jury shall consist of special jurors accordingly. Where more persons than one are to be tried together on the same charge, and notice for special jurors has not been served by the Attorney General, but has been served by some and not all of such persons, the jury shall consist entirely of special jurors or not, as the court may direct:

Provided that a trial shall not be impeached on any ground connected with the qualification of the jurors or any of them.

(2.) The special jurors shall be taken by ballot in manner provided by the nineteenth section of the Juries Procedure (Ireland) Act, 1876, from all the jurors upon the panel returned by the sheriff from the special jurors book. 39 & 40 Vict. c. 78.

(3.) A county mentioned in the first column of the Second Schedule to this Act, and a county of a city or town set opposite the name of that county in the second column of the said schedule, shall as respects special jurors be deemed to be contributory counties; and the special jurors of each of two contributory counties shall be lawful jurors for the trial of any person who is to be tried by special jurors in either of such contributory counties; and, whenever a trial requiring special jurors under this Act is about to take place in any one of two contributory counties, steps shall be duly taken by the sheriff of each of the said counties for returning to the proper officer of the court in which such trial is held the panel of the special jurors of his county, and the special jury for such trial shall be taken by ballot accordingly from all the jurors upon such two panels indifferently; and the sheriff of each of the said contributory counties shall deliver to the proper officer of the court the cards for such ballot, and the ballot shall be taken in manner provided by the said nineteenth section of the Juries Procedure (Ireland) Act, 1876.

The expression "sheriff" in this section includes any officer who by law performs the duties of sheriff in relation to the return of jurors.

Penalty for non-attendance of special juror.

5. The words "twenty pounds" shall be substituted for the words "forty shillings" in section four of the Juries Procedure (Ireland) Act, 1876, in the case of special jurors.

Change of venue.

6. (1.) The Attorney General, on making application to the High Court of Justice or a judge thereof, and certifying that in his opinion it is expedient in the interests of justice that a person awaiting his trial for an indictable offence should be tried in some county named in the certificate other than the county in which he would otherwise be tried, shall be entitled as of right to an order directing such person to be tried in the county named in the certificate; and, if such order is made before any indictment or inquisition has been found, the said offence may be inquired of in the county named in the order in like manner in all respects as if it had been committed in that county; and, if the order is made after an indictment or inquisition has been found, the indictment or inquisition shall be transmitted to the court of assize for the county named in the order, and have effect as if it had originally been duly found at or returned to that court; and, in either case, the offence may be heard and determined, and the person charged with the said offence may be convicted and sentenced, as if the offence had been committed in the county named in the order, but the sentence of the court shall be carried into effect as if such person had been tried in the county in which he would have been tried if the said order had not been made, and such person shall, if necessary, be removed accordingly, in pursuance of an order of the court made for the purpose.

(2.) The Lord Lieutenant shall from time to time provide for the payment, if an order is made under this section respecting the trial

of any person, of the reasonable expenses of such person coming to the place at which, in pursuance of such order, he is to be tried in any case where he was admitted to bail, and also of the witnesses required for the defence of such person, and certified by the court before whom he is tried to be so required.

(3.) Where an order is made under this Act directing a change of venue, the prescribed Crown solicitor, or other prescribed officer under the direction of the Attorney General, shall provide, where necessary, for advancing money for enabling the person to be tried and the witnesses required for the defence of such person to attend the trial.

(4.) For the purposes of this section the expression "awaiting his trial" means committed for trial or charged with any indictable offence by indictment or inquisition; and "court of assize" includes any court of oyer and terminer or gaol delivery.

PART III.

OFFENCES AGAINST THIS ACT.

Intimidation

7. Every person who—

Wrongfully and without legal authority uses intimidation, or incites any other person to use intimidation,

(*a.*) to or towards any person or persons with a view to cause any person or persons, either to do any act which such person or persons has or have a legal right to abstain from doing, or to abstain from doing any act which such person or persons has or have a legal right to do; or

(*b.*) to or towards any person or persons in consequence, either of his or their having done any act which he or they had a legal right to do, or of his or their having abstained from doing any act which he or they had a legal right to abstain from doing,

shall be guilty of an offence against this Act.

In this Act the expression "intimidation" includes any word spoken or act done in order to and calculated to put any person in fear of any injury or danger to himself, or to any member of his family, or to any person in his employment, or in fear of any injury to or loss of his property, business, or means of living.

Riots and other offences.

8. Every person who in a proclaimed district—

(*a.*) Takes part in any riot or unlawful assembly; or

(*b.*) Within nine months after the execution of any writ of possession or decree for possession of any house or land takes or holds forcible possession of such house or land or any part thereof; or

(*c.*) Commits an aggravated act of violence against the person; or

(*d.*) Commits an assault on any constable, bailiff, process server, or other minister of the law, while in the execution of his duty or in consequence thereof,

shall be guilty of an offence against this Act.

Unlawful associations.

9. Every person who knowingly—

(*a.*) Is a member of an unlawful association as defined by this Act; or

(*b*.) Takes part in the operations of an unlawful association as defined by this Act, or of any meeting thereof,

shall be guilty of an offence against this Act.

Illegal meetings.

10. (1.) The Lord Lieutenant may from time to time, by order in writing of which public notice shall be given and published in the prescribed manner, prohibit any meeting which he has reason to believe to be dangerous to the public peace or the public safety. A copy of such order shall be forthwith served in the prescribed manner if possible on the promoters of such meeting.

(2.) And, in case such meeting be so prohibited, two or more justices of the peace shall attend at the place where they have reason to believe such meeting is to be held, and one or more of such justices shall in the prescribed form and manner then and there notify aloud, to the persons attending, that such meeting is prohibited by the Lord Lieutenant; and in case any of the persons so met or assembled together shall not disperse forthwith within a reasonable time, each of such persons thereupon shall be guilty of an offence against this Act; so, however, that the term of imprisonment awarded shall not exceed three months.

(3.) A copy of every such order shall be laid before Parliament within fourteen days after the day on which such order was made, if Parliament be then sitting, and if not, then within fourteen days after the next meeting of Parliament.

Arrest of persons found at night under suspicious circumstances.

11. (1.) In a proclaimed district, if a person is out of his place of abode at any time after one hour later than sunset and before sunrise under circumstances giving rise to a reasonable suspicion of a criminal intent, any constable may arrest that person and bring him forthwith before the nearest available justice of the peace, and such justice, after inquiry into the circumstances of the case, may either discharge him or take the necessary steps, by committing him to prison or taking reasonable bail with two sufficient sureties not exceeding fifty pounds each, to bring him as soon as may be, and within a period not exceeding seven days, before a court of summary jurisdiction acting under this Act, and if on such person appearing before a court of summary jurisdiction acting under this Act, and the case being heard, the court believes that such person was out of his place of abode and not upon some lawful occasion or business he shall be guilty of an offence against this Act; so, however, that the term of imprisonment awarded shall not exceed three months.

(2.) Upon the hearing of a charge under this section against a person, that person may, if he thinks fit, be examined as an ordinary witness in the case.

PART IV.

GENERAL POWERS.

Arrest of strangers found under suspicious circumstances.

12. (1.) If a constable finds in a proclaimed district any stranger under circumstances giving rise to a reasonable suspicion of a criminal intent, he may arrest such stranger and bring him before a justice of the peace, and if such justice after inquiry into the circumstances of the case by evidence on oath, is satisfied that such stranger has not a lawful object in being in such place the justice may require him to give security by entering into a recognizance

with two sufficient sureties to an amount not exceeding fifty pounds for each surety, to keep the peace and to be of good behaviour towards all Her Majesty's subjects during the ensuing six months, and, in default of his giving such security, may commit him to prison until he gives such security or is discharged in pursuance of this section, so however that he shall not be so imprisoned for more than one month.

(2.) The justice shall, on the application of any such person brought before him as aforesaid, adjourn the further hearing of the case to a petty sessions to be held for the petty sessions district within which such arrest took place, not less than four days after the date of such application, and to consist of at least two justices, on such person giving reasonable bail for his appearance at such petty sessions. Such court of petty sessions shall deal with the case in manner provided by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same, in the case of summary proceedings, and shall have the same power to deal with such person as is in this section herein-before conferred on a justice of the peace.

14 & 15 Vict. c. 93.

(3.) Upon the inquiry into the circumstances of the case of a person arrested under this section, such person and the husband or wife of such person, as the case may be, may, if such person thinks fit, be examined as an ordinary witness in the case.

(4.) The justice or justices committing a person to prison in pursuance of this section may for good cause discharge a person so committed, and in any case shall forthwith transmit a report of the committal to the Lord Lieutenant, stating the grounds of the committal, the security required, and any explanation given by the prisoner by way of defence. The Lord Lieutenant may order the prisoner to be discharged if it seems just to him so to do.

Newspapers.

13. (1.) Where after the passing of this Act any newspaper wherever printed is circulated or attempted to be circulated in Ireland, and any copy of such newspaper appears to the Lord Lieutenant to contain matter inciting to the commission of treason or of any act of violence or intimidation, the Lord Lieutenant may order that all copies of such newspaper containing that matter shall, when found in Ireland, be forfeited to Her Majesty, and any constable duly authorised by the Lord Lieutenant may seize the same.

(2.) Where it appears to the Lord Lieutenant that such newspaper was printed and published in Ireland, the order of the Lord Lieutenant shall indicate the part of the newspaper on account of which the order was made, and if the newspaper specifies the office in Ireland at which the newspaper is printed and published, the order shall, as soon as practicable, be served in the prescribed manner at the office so specified.

(3.) Every order of the Lord Lieutenant under this section shall be published in the "Dublin Gazette," and shall be laid before Parliament within thirty days if Parliament is then sitting, and, if not, within thirty days after the next sitting of Parliament.

Searches for arms and illegal documents.

14. (1.) It shall be lawful for the Lord Lieutenant from time to time by warrant in the prescribed form to direct the inspectors and sub-inspectors of constabulary for the time being acting in any constabulary district, or any of them, to search for and seize in any proclaimed district, or in any part thereof, specified in the warrant,

all or any of the following articles; that is to say, any arms, ammunition, papers, documents, instruments, or articles suspected to be used or to be intended to be used for the purpose of or in connexion with any secret society or secret association existing for criminal purposes; all such articles when seized shall be forfeited to Her Majesty.

(2.) Any inspector or sub-inspector so authorised by the warrant may, at any time within three months from the date of the warrant, and at any place within the proclaimed district or the part thereof specified in the warrant, together with such constables and other persons as he calls to his assistance, seize, detain, and carry away any of the articles above mentioned which he may find; and for the purposes aforesaid may at any time enter into any house, building, or place, and if admittance is refused or is not obtained within a reasonable time after it is first demanded, may enter by force in order to execute such warrant.

(3.) The person so executing the warrant shall, if desired, before executing the warrant produce the same.

Application of Alien Act to aliens.

15. The Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter twenty, intituled "An "Act to authorise for one year and to the end of the then next "session of Parliament the removal of aliens from the realm," and a copy of which is set forth in the third schedule to this Act, is hereby re-enacted, and shall continue in force for the same period as this Act.

Provided as follows:—

(1.) For the purposes of construction the Act mentioned in this section shall be deemed to have been passed at the date of the passing of this Act, and expressions in the said Act referring to its commencement or passing shall be construed accordingly, but section seven of the said Act, providing for its duration, shall be of no effect:

(2.) An alien convicted of a misdemeanour under section two of the said Act shall be treated as a misdemeanant of the first class or division:

(3.) The place in which any examination of witnesses or hearing of a case before the Lords of the Privy Council, in pursuance of section three of the said Act is held, shall be in open court:

(4.) The said Act shall extend to the Isle of Man in like manner as if that isle were declared by the said Act to form part of Great Britain.

Power of justices to summon witnesses.

16. Where a sworn information has been made that an offence has been committed, any resident magistrate in the county or place in which the offence was committed, although no person may be charged before him with the commission of such offence, may summon to appear before him at a police office or the place where the petty sessions for the district in which the said offence has been committed are usually held any person within his jurisdiction whom he has reason to believe to be capable of giving material evidence concerning such offence, and he may examine on oath and take the deposition of such person concerning any such offence, and, if he see cause, may bind such person by recognizance to appear and give evidence at the next petty sessions, or when called upon

within three months from the date of such recognizance; and the law relating to a witness when summoned before a justice having jurisdiction and required to give evidence concerning the matter of an information or complaint shall apply to a witness summoned under this section.

(1.) An offence for the purposes of this section means any felony or misdemeanour, and also any offence against this Act, with the exception of the offences specified in sections ten and eleven of this Act.

(2.) A person summoned to appear under this section shall not be excused from answering any question on the ground that the answer thereto may criminate, or tend to criminate, himself, but any statement made by any person in answer to any question put to him on any examination under this section shall not, except in case of an indictment or other criminal proceeding for perjury, be admissible in evidence against him in any proceeding civil or criminal.

(3.) A magistrate who conducts the examination, under this section, of a person concerning any offence, shall not, if such offence is punishable on summary conviction, take part in the hearing and determination of a charge for that offence, and shall not, if such offence is an indictable offence, take part in the committing for trial of such person for such offence.

Power of apprehending absconding witnesses.

17. Whenever any person is bound by recognizance to give evidence before justices, or any criminal court, any justice, if he sees fit, upon information being made in writing, and on oath, that such person is about to abscond, or has absconded, may issue his warrant for the arrest of such person, and if such person is arrested any justice, upon being satisfied that the ends of justice would otherwise be defeated, may commit such person to prison until the time at which he is bound by such recognizance to give evidence, unless in the meantime he produces sufficient sureties. Provided that any person so arrested shall be entitled on demand to receive a copy of the information upon which the warrant for his arrest was issued.

Additional constabulary force.

18. (1.) When it appears to the Lord Lieutenant from time to time, that by reason of the existence or apprehension of crime and outrage in any district, the number of constabulary ordinarily employed in such district is not sufficient, he may by proclamation, which shall be published in the "Dublin Gazette," declare that for the reasons aforesaid such district requires additional constabulary, and may order additional constabulary to be employed in such district, and for that purpose may from time to time add to the Royal Irish Constabulary such officers and men (if any) as he thinks necessary.

(2.) The Inspector-General of the Royal Irish Constabulary shall from time to time make out, in such manner as the Lord Lieutenant may order, an account of the total cost of any additional constabulary employed in any district under this section, and shall certify the amount to the Lord Lieutenant.

(3.) The whole, or such part of the whole as the Lord Lieutenant may order, of the amount so certified, shall be a charge payable by the district in which such additional constabulary are employed. And the Lord Lieutenant may exempt from charge any

specified portion of the area declared to be chargeable, or any specified rateable property in such area.

Provided that if the district is in a county where the number of constabulary is, after allowing for vacancies arising from death, absence on leave, absence from illness, or other like cause, deficient as compared with the quota for that county, and additional constabulary are employed, under this section, in the county, a charge under this section shall not be made in respect of such number of the additional constabulary as is equal to the number required for the time being to make up the said deficiency.

There shall be published monthly in the Dublin Gazette a return showing the number of additional constabulary employed pursuant to this section, the district or districts in which they are respectively employed, and a statement of the cost or approximate cost to each district resulting from such employment.

Power of Lord Lieutenant as to compensation, to be paid in certain cases of murder or maiming.

19. (1.) Where it appears from information on oath and in writing that any one has been murdered, maimed, or otherwise injured in his person, and that such murder, maiming, or injury is a crime of the character commonly known as agrarian, or arising out of any unlawful association, and an application is made for compensation, the Lord Lieutenant may, if he thinks fit, after giving public notice in the district in the prescribed manner, by warrant nominate such person or persons being or one of whom shall be a practising barrister of at least six years standing as he thinks fit to investigate the application, and after hearing all parties whom he or they deem to be interested, including any body of ratepayers of the district, to report to the Lord Lieutenant thereon; the parties shall be heard personally or by counsel, and the evidence taken on oath in open court.

(2.) For the purpose of such investigation the person or persons so nominated shall, with respect to enforcing the attendance of witnesses and all other matters, have the same power as justices sitting in petty sessions. Such public notice shall be given of the place and time at which the investigation will be held, and the investigation shall be proceeded with in such manner, and the report to the Lord Lieutenant shall be in the prescribed form and shall be made in such manner as the Lord Lieutenant may direct. The remuneration of such person or persons and the expenses of holding the investigation, to such amount as may be fixed by the Lord Lieutenant, with the approval of Her Majesty's Treasury, shall be defrayed out of moneys to be provided by Parliament.

(3.) Upon such report, the Lord Lieutenant may dismiss the application if he thinks fit, or may award such sum for compensation as he thinks just.

(4.) The said sum shall, if the Lord Lieutenant think just, be a charge payable by such district and in such instalments as the Lord Lieutenant may by warrant order, and shall be paid to the personal representative of the person murdered or to the person maimed or injured, or if he is dead to his personal representative.

(5.) Applications under this Act may be made by the personal representative or one of the next-of-kin of any person murdered, or by any person maimed or injured, or by a Crown solicitor, or by any person in that behalf authorised by the Lord Lieutenant.

(6) This section shall not apply to any cases of murder, maiming, or injury which have occurred before the first day of June one thousand eight hundred and eighty, except cases in which notice of intention to apply for a presentment under the provisions of the thirty-ninth section of the Peace Preservation (Ireland) Act, 1870, had been published as prescribed by that Act, but the claim for compensation failed to be decided by reason of the expiration of that Act

33 Vict c. 9

(7.) Where the act causing the murder, maiming, or injury has occurred since the passing of this Act, an application for compensation under this section shall not be entertained unless it is made within three months after the occurrence of the act causing the murder, maiming, or injury

(8) Where the act causing the murder, maiming, or injury has occurred before the passing of this Act an application for compensation under this section shall not be entertained unless it is made within three months after the passing of this Act.

Description of "district," and provision as to raising charge.

20. (1.) For the purpose of the provisions of this Act with respect to additional constabulary in any district, and compensation in cases of murder, maiming, or injury, the expression "district" means any county, barony, townland, or parish, or part or parts thereof respectively.

(2.) Any charge in respect of such additional constabulary, or any sum for such compensation as aforesaid, which is for the time being a charge payable by any district shall be applotted rateably upon all rateable hereditaments in the district other than those exempted by the Lord Lieutenant in pursuance of this Act, and shall be payable by the occupiers thereof.

(3.) Such applotment shall be made and such charges collected by persons for the time being appointed by warrant of the Lord Lieutenant for that purpose, and every person so appointed collector shall, for the purpose of such collection, have all the powers, authorities, and remedies given by law to the collector of grand jury cess, and shall account for the sums which he is authorised to collect in manner directed from time to time by the Lord Lieutenant, and the Lord Lieutenant's warrant shall be conclusive proof that the sums named in the warrant are to be raised in the district as therein mentioned, and that the person named in the warrant is authorised to collect the same.

(4) Any person liable to any portion of such charge shall on demand before the execution of the warrant for collection be entitled to inspect the applotment and the warrant or a copy thereof for the collection of the same.

(5) A return showing the sums from time to time collected under this section, the districts from which the same have been levied, and the manner in which the same have been disposed of, shall be presented annually to Parliament within one month after the opening of Parliament

Every warrant imposing a charge upon a district in respect of such additional constabulary, or such compensation as aforesaid, shall specify the time during which it is to remain in force, and shall be in the prescribed form, and shall be published in the prescribed manner, and a copy of every such warrant shall be laid

before Parliament within one month after the date of the warrant, if Parliament is then sitting, and if not within one month after the next meeting of Parliament, together with a statement showing the following particulars, in cases where such particulars do not appear in the warrant; that is to say, the valuation of the district proposed to be charged; the number of instalments by and the time within which the charge is to be raised; the poundage rate necessary for raising the same; and the grounds upon which the district has been charged, and the number of inhabitants in such district at the last census as far as can be ascertained.

PART V.

SUPPLEMENTAL PROVISIONS AND DEFINITIONS.

Punishment for offence against Act.

21. A person guilty of an offence against this Act shall be liable on summary conviction to imprisonment with or without hard labour for a term not exceeding six months, or such less term as is in that behalf fixed by any section of this Act.

Summary proceeding for offences under Act.

22. (1.) Any offence against this Act shall be punishable on summary conviction, and may be prosecuted—

(*a.*) Within the police district of Dublin Metropolis in manner provided by the Acts regulating the powers and duties of justices of the peace of such district or of the police of such district; and

(*b.*) Elsewhere in manner provided by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same, 14 & 15 Vict. c. 93.

subject nevertheless to the provisions of this section.

(2.) The proceedings for enforcing the appearance of the person charged, and the attendance of witnesses, shall be the same, and the evidence for both the prosecution and defence shall be taken as depositions in the same manner as if the offence were an indictable offence; but, save as aforesaid, the procedure, including the enforcing of the attendance of witnesses for the defence, shall be the same as in the case of an offence punishable on summary conviction.

(3.) A charge for an offence against this Act shall be heard and determined—

(*a.*) Within the police district of Dublin Metropolis before a divisional justice of that district; and

(*b.*) Elsewhere before two resident magistrates in petty sessions, one of whom shall be a person of the sufficiency of whose legal knowledge the Lord Lieutenant shall be satisfied:

And in this Act the expression "court of summary jurisdiction acting under this Act" means any such divisional justice or two resident magistrates.

(4.) The petty sessions held by two resident magistrates may be held at any place fixed by law for the holding of petty sessions, and on such days as may be from time to time determined in the prescribed manner.

(5.) Where a person is convicted summarily of an offence against this Act and sentenced to any term of imprisonment exceeding one month, such person may appeal against such conviction to a court of general sessions held in pursuance of this section, but the proceedings before a divisional justice or two resident magistrates, on a

charge for an offence against this Act, shall not be reviewed in any other manner, whether by means of a writ of certiorari or otherwise, and such appeal shall, save as herein-after otherwise provided,—

(*a.*) Be subject, except in the police district of Dublin Metropolis, to the provisions to which an appeal under the Petty Sessions (Ireland) Act, 1851, is by section twenty-four of that Act, and any enactments amending that section, made subject; and

14 & 15 Vict. c. 93.

(*b.*) Be subject in the police district of Dublin Metropolis to the said provisions, with such modifications therein as may be prescribed for the purpose of adapting the same to the circumstances of that district.

(6.) For the purpose of hearing and determining appeals under this section general sessions of the peace shall be held at the prescribed times and places, and at such general sessions the chairman of the county shall sit as sole judge of the court, and shall hear and determine any such appeals which are brought before him, and shall have the jurisdiction and powers of a court of quarter sessions, and the decision of such chairman, whether as to the jurisdiction of the justice or magistrates or otherwise, shall be final and conclusive.

(7.) Any depositions taken at the hearing of a case before the divisional justice or two resident magistrates may be admitted in evidence on an appeal in that case.

(8.) The expression "chairman of the county" in this section means a county court judge and chairman of the quarter sessions of a county, and includes a recorder.

Proclamation of districts.

23. The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may from time to time, when it appears to him necessary for the prevention of crime and outrage, by proclamation declare the provisions of this Act which relate to proclaimed districts or any of those provisions to be in force within any specified part of Ireland as from the date of the proclamation, or any later date specified in the proclamation; and the provisions of this Act which are mentioned in the proclamation shall after the said date be in force within such specified part of Ireland, and that part of Ireland shall be a proclaimed district within the meaning of the provisions so mentioned. The proclamation shall provide for the manner of the promulgation thereof.

Supplemental provisions as to proclamations and orders.

24. (1.) The Lord Lieutenant, but by and with the advice of the Privy Council, where a proclamation or order has been made by and with such advice, may, by a further proclamation or order, from time to time alter or revoke any proclamation or order made by him under this Act. A copy of every proclamation under this Act shall be laid before each House of Parliament within fourteen days after the making thereof, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament.

(2.) Any warrant, order, notice, or other document of the Lord Lieutenant under this Act may be signified under his hand or under the hand of the Chief Secretary to the Lord Lieutenant.

(3.) Every proclamation under this Act, and a notice of the promulgation thereof in the manner provided, shall be published in the Dublin Gazette.

(4.) The production of a printed copy of the Dublin Gazette purporting to be printed and published by the Queen's authority,

and containing the publication of any proclamation, order, or notice under this Act, shall be conclusive evidence of the contents of such proclamation, order, or notice, and of the date thereof, and in the case of a proclamation that the district specified in such proclamation is a proclaimed district within the meaning of the provisions of this Act mentioned in the proclamation, and that the said proclamation has been duly promulgated, and in the case of an order that it has been duly made.

Regulations as to warrants and notice of trial

25. (1) A warrant for the trial by a Special Commission court of a person charged with an offence shall be in the prescribed form, and shall, subject to the other provisions of this Act, be issued before he is arraigned for trial for such offence before some other tribunal in the ordinary course of law, or before the expiration of two months from the date of his being committed for trial, whichever of such events may first happen

(2) A copy of a warrant for the trial of a person before a Special Commission court shall be served on such person in the prescribed manner not less than fourteen days before his trial before such court begins, and shall be published in the "Dublin Gazette," and shall be laid before Parliament within fourteen days, if Parliament be then sitting, and if not, within fourteen days after the then next meeting of Parliament

(3.) Not less than fourteen days before the sitting of any Special Commission court to try a person for any offence, public notice shall be given in the prescribed manner in the locality in which the person charged with such offence was committed for trial, stating the names of the Special Commissioners, the said offence, the name of the person charged with such offence, and the place at which the court will sit and the day on which the sitting of the court will begin A copy of such notice shall also be served in the prescribed manner, and within the prescribed time, on the person to be tried

(4) An objection to the jurisdiction of a Special Commission court to try a person for any offence shall not be entertained by reason only of any non-observance of the provisions of this section, but the court, on application, may adjourn the case, so as to prevent any person charged being prejudiced by such non-observance.

Rota of judges.

26. (1.) The judges to be members of a Special Commission court, and the judges to sit in the Court of Criminal Appeal under this Act, shall be respectively selected according to separate rotas to be determined by ballots held at the prescribed time and in the prescribed manner; but where a judge appears to the Lord Lieutenant to be, on account of illness or some reasonable cause, ineligible, the judge next on the rota shall be selected

(2.) Any judge appointed after either rota is determined shall be added after all the other judges on the rota.

(3.) An objection to the jurisdiction of a Special Commission court, or of the Court of Criminal Appeal under this Act, shall not be entertained by reason only of the rota of the judges to form or sit on such court not having been properly determined, or not having been observed.

Regulations as to courts

27. (1) Commissions under this Act constituting Special Commission courts shall be in the prescribed form and be issued and superseded in the prescribed manner

(2.) If any member of a Special Commission court dies, or it appears to the Lord Lieutenant that from illness or some reasonable cause it is necessary that another judge should be appointed in the place of a member of a Special Commission court, the Lord Lieutenant may, if he thinks it expedient so to do, direct a supplemental commission to be issued in the prescribed form and manner, appointing the next judge on the rota who is not ineligible to fill the vacancy in such court

(3) Subject to the provisions of this Act, and for the purpose of the trial of any persons charged before them, a Special Commission court shall have all the powers and jurisdiction of Her Majesty's High Court of Justice in Ireland, and all the same powers and jurisdiction as if it were a court of assize, and court of oyer and terminer, and a court of gaol delivery, trying with a jury an offender indicted before such court and shall have all the powers of a petty jury at such court and shall be a superior court of record, and the same intendment shall be made in respect of all orders, writs, and process made by and issuing out of such Special Commission court as if it were a superior court of record acting according to the course and by the authority of the common law

(4) All the members of a Special Commission court shall be present at the hearing and determination of the case of a person tried before such court, but, save as aforesaid, the jurisdiction of the court may be exercised by any of such members, and any act of the court shall not be invalidated by reason of any vacancy among the members

(5) Any offence with which a person brought for trial before a Special Commission court, in pursuance of this Act, is charged, shall be deemed to have been committed at some place within the jurisdiction of such court

(6) During such time as a person is subject, in pursuance of a warrant under this Act, to be tried by a Special Commission court for any offence, he shall not be liable to be tried by any other court for the same offence

(7) The trial by a Special Commission court of a person in pursuance of a warrant under this Act shall begin at such time within two months from the date of the warrant as may be ordered by the Lord Lieutenant, unless such trial is postponed by the court in the prescribed manner on the request of such person, or on account of the illness or absence of a witness, or on account of a vacancy in the court, or of the illness of such person, or some other sufficient cause, or unless the trial of such person, when commenced, has been discontinued on account of a vacancy in the court or the illness of such person, or some other sufficient cause.

(8) Where a trial of a person is postponed or discontinued, the trial of such person may take place before the same court or any other Special Commission court, and shall take place as soon as may be and within the prescribed time.

(9) In the event of a trial of a person which has been postponed or discontinued taking place before the same Special Commission court, the prescribed notice shall be given of such trial, and in the event of such trial taking place before another Special Commission court, a new warrant shall be issued for the trial of such

person, and such warrant shall not be invalidated by reason only that it is issued after the expiration of two months from the date of such person being committed for trial.

(10.) A commission appointing a Special Commission court shall not be superseded or affected by the issue of another like commission, or of any commission of assize, oyer and terminer, gaol delivery, or other commission whatsoever, whether to the same or any other persons, nor shall the sitting or jurisdiction of such court be affected by the sitting of any such commission or of the High Court of Justice.

(11.) The number of judges sitting as the Court of Criminal Appeal under this Act to hear any case shall be such uneven number as, subject to the provisions of this Act, the Lord Chancellor may from time to time appoint, but if during the hearing of any case any judge so sitting dies or becomes unable to act, the whole case shall be again heard.

(12.) Sentence of death passed by a Special Commission court shall be carried into effect in the county or place where the trial is held by the sheriff having jurisdiction therein, or in such other place and by such other sheriff or officer as the Lord Lieutenant may direct.

(13.) The indictment against any person brought for trial before a Special Commission court shall be prepared in the prescribed manner, and shall be in the prescribed form, and shall be of the same effect as if it were, and shall, so far as circumstances may admit, be deemed for all the purposes of the trial to be, an indictment found by a grand jury; and the proceedings before a Special Commission court shall, so far as circumstances may admit, be conducted in like manner as the proceedings on the trial of an indictment before a court of oyer and terminer, and the court shall have the same power of amending any indictment or other document or proceeding which a court of oyer and terminer has.

(14.) An objection to the jurisdiction of a Special Commission court to try a person in pursuance of a warrant under this Act shall not be entertained by reason only of any want of form in the warrant or of any mistake in the name or description of such person in the warrant if it is shown that the person tried is the person to whom the warrant relates; and an objection to the proceedings of such court for any want of form on the trial of any person shall not be entertained, if no injustice was thereby done to such person.

(15.) Lists of the names of all persons convicted by a Special Commission court under this Act, with the dates of their convictions and the offences of which they have respectively been convicted, shall from time to time be laid before both Houses of Parliament at the following times, that is to say, a list of such names shall be laid before Parliament within seven days after the commencement of each Session of Parliament, and subsequent lists at intervals of not more than three months during the continuance of each Session. Every list after the first list shall contain only the names of persons convicted since the previous list

(16.) The Lord Lieutenant shall from time to time provide for the payment of the reasonable expenses of a person coming to the place at which he is to be tried before a Special Commission court

in any case where he was admitted to bail and is to be tried beyond the limits of the county in which he was committed for trial.

(17.) The prescribed Crown Solicitor, or other prescribed officer, under the direction of the Attorney General, shall provide, when necessary, for advancing money for enabling a person about to be tried before a Special Commission court, and the witnesses required for the defence of such person, to attend the trial.

Rules of procedure in Schedule.

28. The rules in the first schedule to this Act with respect to procedure on appeals under this Act to the Court of Criminal Appeal and the other matters therein mentioned shall have the same effect as if enacted in the body of this Act.

Allowances to judges, witnesses, and others.

29. There shall be paid out of the Consolidated Fund such allowances to judges and chairmen of counties, and there shall be paid out of moneys provided by Parliament such allowances to officers and other persons acting in pursuance of this Act, and such expenses incurred in reference to any court established or exercising jurisdiction under this Act, and such expenses of persons charged, counsel, and witnesses, payable in pursuance of this Act, as the Lord Lieutenant, with the approval of the Commissioners of Her Majesty's Treasury, may from time to time appoint.

Rules for procedure and matters to be prescribed.

30. The Lord Lieutenant may, from time to time, by and with the advice of the Privy Council make, and when made revoke, add to, and alter rules in relation to the following matters:—

(1.) For adapting the procedure on and preliminary to the trial of criminal cases, including the forms of indictment and other matters, to a Special Commission court under this Act; and

(2.) In relation to the procedure on appeals from a Special Commission court under this Act, and in relation to the sittings of the Court of Criminal Appeal under this Act; and

(3.) In the case of a trial before a Special Commission court, in relation to the sitting of such court in any place, and to the nomination of officers of such court; and

(4.) In the case of a trial before a Special Commission court, or the case where a special jury is required or where the venue is changed in relation to the attendance, authority, and duty of sheriffs, coroners, justices, gaolers, constables, officers, ministers, and persons, the removal and custody of prisoners, the alteration of any writs, precepts, inquisitions, indictments, recognizances, proceedings, and documents, the transmission of inquisitions, indictments, recognizances, and documents, and the expenses of prosecutors and witnesses, and the carrying of sentences into effect; also, in the case where a special jury is required, the number of jurors to be returned on any panel; and

(5.) In relation to forms for the purposes of this Act, and to any matter by this Act directed to be prescribed; and

(6.) In relation to any matters which appear to the Lord Lieutenant, by and with the advice aforesaid, to be necessary for carrying into effect the provisions of this Act;

and any rules made in pursuance of this Act shall be judicially noticed and be of the same validity as if they were contained in this Act.

31. Any powers or jurisdiction conferred by this Act on any court or authority in relation to any offence or matter shall be deemed to be in addition to and not in derogation of any other powers or jurisdiction of any court or authority subsisting at common law or by Act of Parliament in relation to such offence or matter

Powers of Act to be cumulative

Provided that no person shall be tried or punished twice for the same offence

32. No agreement or combination which under the Trade Union Acts 1871 and 1876 or the Conspiracy and Protection of Property Act 1875, is legal shall be deemed to be an offence against this Act

Saving for trade unions 34 & 35 Vict c 31 39 & 40 Vict c 22 38 & 39 Vict c 86

33. Nothing in this Act shall render unlawful any political or social association for such objects, and acting by such means as under this Act or otherwise are not unlawful nor shall membership of such an association be deemed to be an offence against this Act

Saving for associations

34. The expression unlawful association" means an association formed —

Definition of "unlawful association"

(*a*) for the commission of crimes or

(*b*) carrying on operations for or by the commission of crimes, or

(*c*) for encouraging or aiding persons to commit crimes,

and the expression crime' for the purposes of this section means any offence against this Act and also any crime punishable on indictment by imprisonment with hard labour or by any greater punishment

35. In this Act unless the context otherwise requires—

General definitions

The expression Lord Lieutenant means the Lord Lieutenant of Ireland or other Chief Governor or Governors of Ireland for the time being

The expression "county" includes a county of a city and a county of a town and city and county

The expression Attorney General' includes in the case of any vacancy or inability to act the Solicitor General

The expressions arms and 'ammunition respectively have the same meaning as in the Peace Preservation (Ireland) Act, 1881 44 & 45 Vict c 5

The expression "prescribed" means prescribed by rules to be made by the Lord Lieutenant in manner provided by this Act

The expression committed for trial" means a person committed to gaol to be there kept until his trial for an offence, or admitted to bail on the condition of his appearing to take his trial for any offence

The expression "aggravated act of violence against the person' means an assault which either causes actual bodily harm or grievous bodily harm, or is committed with intent to cause grievous bodily harm

The expression attack on a dwelling house means any crime cognisable by law involving the breaking into, firing at or otherwise assaulting or injuring a dwelling house.

The expression "resident magistrate" means a magistrate appointed in pursuance of the Act of the session of the sixth and seventh years of the reign of King William the Fourth, chapter thirteen, intituled "An Act to consolidate the laws

"relating to the constabulary force in Ireland," and of the Acts amending the same, and includes any divisional justice of the police district of Dublin metropolis.

The expression "inspector of constabulary" means a county inspector of the Royal Irish Constabulary, and includes an inspector of the Dublin metropolitan police, and the expression "sub-inspector of constabulary" means a sub-inspector of the Royal Irish Constabulary.

The expression "judges of the Supreme Court of Judicature" means the judges of Her Majesty's Court of Appeal and of Her Majesty's High Court of Justice in Ireland other than the Judicial Commissioner of the Irish Land Commission.

Short title.

36. This Act may be cited as the Prevention of Crime (Ireland) Act, 1882.

Duration of Act

37. This Act shall continue in force until the expiration of three years next after the passing thereof, and to the end of the then current session of Parliament.

Provided, that the expiration of this Act shall not affect the validity of anything done in pursuance of this Act, and any person convicted under this Act may be punished as if this Act continued in force, and all appeals, prosecutions, and other legal proceedings pending under this Act at the time of the expiration thereof may be carried on, completed and carried into effect, and the sentences carried into execution, as if this Act had not expired.

SCHEDULES.

Section 28.

FIRST SCHEDULE.

RULES for APPEALS to the COURT OF CRIMINAL APPEAL.

(1.) Notice of the appeal shall be given within seven days after the day on which the appellant was sentenced by the Special Commission Court, or such further time as may be allowed by the said Special Commission Court, or by the Court of Criminal Appeal.

(2.) The said notice shall be served in the prescribed manner on the master of the Crown Office, or other prescribed person (who is in this Schedule included in the term Master of the Crown Office), but such notice shall not be invalidated by any informality in the procedure.

(3.) The master of the Crown Office shall forthwith in the prescribed manner give notice to the Attorney-General, and to the Special Commission court before which the appellant was tried, and the latter court shall forthwith forward in the prescribed manner for the use of the Court of Criminal Appeal copies of the shorthand writer's notes, and all indictments, documents, and things connected with the case.

(4.) The master of the Crown Office shall forthwith give notice to the judges whose duty it is, according to the rota, to sit in the Court of Criminal Appeal, and those judges shall, notwithstanding any vacation, forthwith proceed to hold a court, and hear and determine the appeal.

(5.) Unless the Court of Criminal Appeal on the application of the appellant, or of the Attorney-General, for special reason otherwise orders, the court shall be held within fourteen days after the day on which the appellant was sentenced, and shall sit from day to day to hear the appeal.

(6.) The appeal shall be heard in open court in the presence of the appellant, and the appellant may appear by counsel or solicitor.

(7.) The court may re-hear the case by the reading of the evidence as contained in the shorthand writer's notes, and may permit to be called or call any new witness, and may recall any witness who gave evidence at

the trial, and may either examine such witness or let him be examined and cross-examined by or on behalf of the appellant and the prosecutor.

(8.) During the time allowed for an appeal and while an appeal is pending a sentence shall not be carried into execution, but the appellant shall be detained in custody in like manner as if he were awaiting his trial; and he shall be brought before the court in accordance with the prescribed rules, and the master of the Crown Office shall give the prescribed notice of the appeal to the sheriff, gaoler, and other persons concerned in the execution of the sentence or the custody of the appellant, and shall also give such notice of the result of the appeal as may be necessary for carrying into effect the final judgment of the court.

(9.) Where a person convicted by a Special Commission court is in custody and without legal assistance, and is desirous to appeal, it shall be the duty of the governor or other chief officer of the prison in which he is confined to assist him in making out and forwarding within due time a notice of appeal to the proper officer in accordance with this Act

(10.) An appellant shall be entitled, on application, to have a copy of the shorthand writer's notes, free of charge.

SECOND SCHEDULE.

Section 4

Column 1.	Column 2.
County of Antrim.	County of the Town of Carrickfergus.
County of Cork.	County of the City of Cork.
County of Dublin.	County of the City of Dublin.
County of Galway.	County of the Town of Galway.
County of Kilkenny.	County of the City of Kilkenny.
County of Limerick.	County of the City of Limerick.
County of Waterford.	County of the City of Waterford.

THIRD SCHEDULE.

Section 15.

ALIEN ACT.

COPY OF ACT REFERRED TO.

ANNO UNDECIMO.

VICTORIÆ REGINÆ.

CAP. XX.

An Act to authorise for One Year, and to the End of the then next Session of Parliament, the Removal of Aliens from the Realm.

[9th *June* 1848.]

Power to Secretary of State or Lord Lieutenant of Ireland to order Aliens to depart this Realm.

WHEREAS it is expedient, for the due Security of the Peace and Tranquility of this Realm, that Provision should be made, for a Time to be limited, respecting Aliens arriving or resident in this Kingdom: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when and so often as One of Her Majesty's Principal Secretaries of State in that Part of the United Kingdom called Great Britain, or the Lord Lieutenant or other Chief Governor or Governors in that Part of the United Kingdom called Ireland, shall have Reason to believe, from Information given to him or them respectively, in Writing, by any Person subscribing his or her Name and Address thereto, that for the Preservation of the Peace and Tranquility of any Part of this Realm it is expedient to remove therefrom any Alien or Aliens who may be in any Part of this Realm, or

who may hereafter arrive therein, it shall be lawful for such Secretary of State in that Part of the United Kingdom called Great Britain, and for such Lord Lieutenant or other Chief Governor or Governors in that Part of the United Kingdom called Ireland, by Order under his or their Hand or Hands respectively, to be published in the London or Dublin Gazette, as the Case may be, to direct that any such Alien or Aliens who may be within Great Britain or Ireland respectively, or who may hereafter arrive therein, shall depart this Realm, within a Time limited in such Order, and if any such Alien shall knowingly and wilfully refuse or neglect to pay due Obedience to such Order, or shall be found in this Realm or any Part thereof, contrary to such Order, after such Publication thereof as aforesaid, and after the Expiration of the Time limited in such Order, it shall be lawful for any of Her Majesty's Principal Secretaries of State, or for the Lord Lieutenant or other Chief Governor or Governors of Ireland, or his or their Chief Secretary, or for any Justice of the Peace, or for the Mayor or Chief Magistrate of any City or Place, to cause every such Alien to be arrested, and to be committed to the Common Gaol of the County or Place where he or she shall be so arrested, there to remain, without Bail or Mainprize, until he or she shall be taken in charge for the Purpose of being sent out of the Realm, under the Authority herein-after given

If Aliens wilfully refuse to obey such Order they may be committed to Gaol until taken in charge for the purpose of being sent out of the Realm

II. And be it enacted, That every such Alien so knowingly and wilfully refusing or neglecting to pay due Obedience to any such Order as aforesaid shall be guilty of a Misdemeanor, and being convicted thereof shall, at the Discretion of the Court, be adjudged to suffer Imprisonment for any Time not exceeding One Month for the First Offence, and not exceeding Twelve Months for the Second and any subsequent Offence.

Penalty on Aliens disobeying such Order

III. And be it enacted, That it shall be lawful for any One of Her Majesty's Principal Secretaries of State, or the Lord Lieutenant or Chief Governor or Governors of Ireland, in any Case in which any Alien shall be found in this Realm after the Expiration of the Time limited in such Order, and whether he or she shall or shall not have been arrested or committed for Refusal or Neglect to obey such Order, or convicted of such Refusal or Neglect, and either before or after such Alien shall have suffered the Punishment inflicted for the same, by Warrant under his Hand and Seal, to give such Alien in charge to One of Her Majesty's Messengers, or to any other Person or Persons to whom he shall think proper to direct such Warrant, in order to such Alien being conveyed out of the Kingdom; and such Alien shall be so conveyed accordingly Provided always, that where such Alien (not having been convicted as aforesaid) shall allege any Excuse for not complying with such Order, or any Reason why the same should not be enforced, or why further Time should be allowed him or her for complying therewith, it shall be lawful for the Lords of Her Majesty's Privy Council in Great Britain or in Ireland, as the Case may be, to judge of the Sufficiency of such Excuse or Reason, and to allow or disallow the same either absolutely or on such Condition as they shall think fit, and where such Alien shall be in Custody under such Warrant of any of Her Majesty's Secretaries of State or of the Lord Lieutenant or other Chief Governor or Governors of Ireland as aforesaid, the Messenger or other Person in whose Custody he or she shall be, forthwith upon its being signified to him that such Excuse or Reason is alleged by such Alien, shall make known the same to such Secretary of State, or to the Lord Lieutenant or other Chief Governor or Governors of Ireland, as the Case may be, who, upon receiving such Notification, or in any Case in which he or they shall be informed that any such Excuse or Reason is alleged by or on behalf of any Alien to quit the Realm, shall forthwith suspend the Execution of such Warrant until the Matter can be inquired into and determined by the said Lords of Her Majesty's Privy Council, and such Alien, if in Custody under any such Warrant, shall remain in such Custody, or if not in Custody may be given in charge by any such Warrant as aforesaid, and shall remain

Aliens on neglecting to obey Order may be given in charge by Warrant of Secretary of State or Lord Lieutenant of Ireland, to be conveyed out of the Kingdom

Where any Alien shall allege any Excuse for not complying with Order, Privy Council to judge of the Sufficiency of the same

in Custody until the Determination thereon shall be made known, unless in the meantime such Secretary of State, or the Lord Lieutenant or other Chief Governor or Governors of Ireland, shall consent to or the said Lords shall make Order for the Release of such Alien, either with or without Security: Provided always, that the Lords of Her Majesty's Most Honourable Privy Council shall cause to be delivered to such Alien, in Writing, a general Summary of the Matters alleged against him or her, and shall allow him or her reasonable Time to prepare his or her Defence; and that it shall be lawful for him or her to summon and examine upon Oath Witnesses before the said Lords of Her Majesty's Most Honourable Privy Council, and to be heard before them, by himself or herself, or his or her Counsel, in support of the Excuse or Reason by him or her alleged.

Privy Council shall cause a Summary of Matters alleged against Alien to be delivered to him, &c.

IV. Provided always, and be it enacted, That in every Case in which Power is given by this Act to commit any Alien to Gaol without Bail or Mainprize it shall and may be lawful for any Justices of Her Majesty's Courts of Record at Westminster or in Dublin, or for any of the Barons in Great Britain or Ireland, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in Scotland, if upon Application made he shall see sufficient Cause, to admit such Person to Bail, he or she giving sufficient Security for his or her Appearance to answer the Matters alleged against him or her.

Judges may admit Aliens to Bail in all Cases, if they see sufficient Cause.

V. Provided nevertheless, and be it enacted, That where any Alien who shall have been committed under this Act to remain until he or she shall be taken in charge for the Purpose of being sent out of the Realm, shall not be sent out of the Realm within One Calendar Month after such Commitment, it shall in every such Case be lawful for any of the Justices of Her Majesty's Courts of Record at Westminster or in Dublin, or for any of the Barons in Great Britain or Ireland, being of the Degree of the Coif, or for the Lord Justice Clerk or any of the Commissioners of Justiciary in Scotland, or for any Two of Her Majesty's Justices of the Peace in any Part of the United Kingdom, upon Application made to him or them by or on the Behalf of the Person so committed, and upon Proof made to him or them that reasonable Notice of the Intention to make such Application had been given to some or One of Her Majesty's Principal Secretaries of State in Great Britain, or to the Lord Lieutenant or Chief Governor or Governors of Ireland, or his or their Chief Secretary, according to his or their Discretion, to order the Person so committed to be continued in or discharged out of Custody.

Where Alien shall not have been sent out of the Realm within One Month after Commitment, Judges, &c. empowered, where Application has been made, to continue in, or discharge such Alien out of, Custody.

VI. Provided always, and be it enacted, That nothing in this Act contained shall affect any Foreign Ambassador or other Public Minister duly authorised, nor any Person belonging to the diplomatic or domestic Establishment of any such Foreign Ambassador or Public Minister, registered as such according to Law, or being actually attendant upon such Ambassador or Minister, nor any Alien under the Age of Fourteen Years, or who shall have been residing within this Realm for Three Years next before the passing of this Act.

Act not to extend to Ambassadors, &c., or Aliens who have resided in the Kingdom for Three Years.

VII. And be it enacted, That this Act shall continue in force for One Year from the passing thereof, and until the End of the then next Session of Parliament.

Duration of Act.

VIII. And be it enacted, That this Act may be repealed or amended in the present Session of Parliament.

Act may be repealed, &c.

CHAPTER 26.

An Act to amend the Law relating to the Election of Lords Temporal to serve in Parliament for Ireland.

[12th July 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Reduction of period between teste of writ and election.

1. In the event of any future election of a Lord Temporal to serve in Parliament for Ireland, the period of fifty-two days from the teste of the writs for such election, within which it is required by the Act of Union of Great Britain and Ireland that the same shall be returned into the Crown Office of Ireland, shall be reduced to a period of thirty days.

Short title.

2. This Act may be cited as the Election of Representative Peers (Ireland) Act, 1882.

CHAPTER 27.

An Act to extend certain Provisions of the Poor Rate Assessment and Collection Act, 1869, to the Highway Rate, and for other purposes. [12th July 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Highway Rate Assessment and Expenditure Act, 1882.

Extent of Act.

2. This Act shall not extend to Scotland or to Ireland.

Power to rate and compound with owners of small tenements. (32 & 33 Vict. c. 41.)

3. Where in any parish the vestry have, under section four of the Poor Rate Assessment and Collection Act, 1869, ordered or shall hereafter order that the owners of all rateable hereditaments to which section three of that Act extends shall be rated to the poor rate in respect of such hereditaments instead of the occupiers, such order shall be deemed to extend to and include the highway rate, and whilst such order is in force the respective owners of such hereditaments shall be rated and assessed instead of the occupiers thereof to the highway rates made after the passing of this Act for any highway parish which is co-extensive with such parish or with any part thereof, and to which otherwise such occupiers might by law be rated; subject nevertheless to the abatements or deductions and to the conditions specified in sections four and five of the said Act; and for the purposes of this section the term "overseers" in section four of the said Act shall be construed to mean "surveyor of highways or other person authorised by law to make and levy a highway rate."

The surveyor of highways, or other person authorised by law to make and levy a highway rate, shall have the same powers, remedies, and privileges for recovering the rates made under this Act upon owners, as the overseers of the poor have under the said

Poor Rate Assessment and Collection Act, 1869, for the recovery of a poor rate, and when the overseers are required by law to levy the highway rate, and such rate applies to the whole parish, they may levy the same as part of the poor rate.

Section thirty of the Highway Act, 1835, relating to the composition for rates in certain cases under local Acts is hereby repealed. 5 & 6 W. 4. c. 50.

4. In every highway rate made after the passing of this Act the several hereditaments included therein and assessable to the poor rate shall be rated according to the annual rateable value thereof appearing in the valuation list for the time being in force in the parish which is co-extensive with or includes the highway parish to which the highway rate relates, and where any valuation list has been amended on objection pursuant to section one of the Union Assessment Committee Amendment Act, 1864, the assessment committee shall give notice of such amendment to the surveyor of highways or other person authorised to make and levy the highway rate, who shall thereupon alter the then current highway rate accordingly. Valuation lists conclusive for highway rate. 27 & 28 Vict. c. 39.

5. If the rates levied by a surveyor of highways, together with any other sums received by him during his term of office, prove insufficient to meet the whole of the expenditure lawfully incurred by him, and such deficiency has not arisen from any neglect or default on his part, his successor in office may reimburse to him the amount of such deficiency. Provision for balances of outgoing surveyors.

6. The expenses incurred by a highway authority in maintaining, replacing, or setting up mile stones on any highway, and in fencing by posts and rails or otherwise a highway where such fencing is required for the protection of persons travelling thereon against danger, shall be a lawful charge upon the highway rate. Power to maintain mile stones and to fence.

7. The provisions of section nine of the Highways and Locomotives (Amendment) Act, 1878, as amended by the District Auditors Act, 1879, in relation to the audit of the accounts of highway authorities and their officers shall extend to the accounts of a waywarden of any highway parish within a highway district with respect to the highway rates levied by him. Waywardens' rate accounts. 41 & 42 Vict. c. 77. 42 & 43 Vict. c. 6.

8. Moneys, goods, or chattels certified by an auditor at a highway audit to be due from any person shall be recoverable by the like process and with the like powers as in the case of moneys, goods, or chattels certified at the audit of the poor rate accounts, and where an auditor shall take proceedings for the recovery of any moneys, goods, or chattels certified at a highway audit or shall lay any information for a penalty in consequence of the default of any officer or other person to attend any such audit or to produce the proper accounts or vouchers, or to make or sign the proper declaration before him, the costs incurred by the auditor, when not recovered from the defendant, shall, if the Local Government Board consent thereto, be paid to the auditor by the highway authority, and may be recovered from such authority in a summary manner. Recovery and payment of certified balances.

The moneys certified at a highway audit shall, where there is a treasurer of the highway authority, be paid to such treasurer, and where there is no such officer to the highway authority for the

time being; and the goods or chattels so certified shall be delivered over to the person authorised to receive the same.

Provision as to excluded parts of parishes.

9. Where at the time of the passing of this Act part of a parish is excluded from an urban sanitary district, but such excluded part is for purposes connected with the repairs of highways and the payment of highway rates treated as forming part of the district, the owners and ratepayers of the excluded part may by resolution passed at a meeting to be convened and conducted in manner provided by Schedule Three of the Public Health Act, 1875, decide that such part shall be a highway parish, and if the resolution is approved by an order of the Local Government Board the excluded part shall from a date to be fixed by the said order be for all purposes connected with highways, surveyors of highways, and highway rates, considered and treated as a separate highway parish.

38 & 39 Vict. c. 55.

Interpretation.

10. In this Act—

"Highway audit" means the audit of the accounts of a highway authority or their officers or of any waywarden:

"Highway authority" means as respects a highway district, the highway board, and as respects a highway parish not included in a highway district, the surveyor or surveyors or other officers performing similar duties:

"Highway rate" means a rate made for the repairs of the highways and includes any separate rate made to meet the orders or precepts of a highway authority:

"Parish" means a place for which a separate poor rate can be made:

"Highway parish" means a place separately maintaining its own highways, and, in a highway district, a place for which a waywarden may be elected or a separate highway rate be made.

CHAPTER 28.

An Act to apply the sum of five million seven hundred and three thousand eight hundred and ninety-one pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-three.

[24th July 1882.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-three the sum of five million seven hundred and three thousand eight hundred and ninety-one pounds.

Issue of 5,703,891*l.* out of the Consolidated Fund for the service of the year ending 31st March 1883.

2. The Commissioners of the Treasury may borrow from time to time, on the credit of the said sum, any sum or sums not exceeding in the whole the sum of five million seven hundred and three thousand eight hundred and ninety-one pounds, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Power to the Treasury to borrow.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

3. This Act may be cited as the Consolidated Fund (No. 4) Act, 1882.

Short title.

CHAPTER 29.

An Act to amend the Acts relating to the County Courts in Ireland, and to make better provision for Appeals under the said Acts. [24th July 1882.]

WHEREAS it is expedient to amend the law and procedure regulating appeals from county courts in Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act shall extend to Ireland only.

Application of Act.

2. This Act may be cited as the County Court Amendment (Ireland) Act, 1882.

Short title.

3. The terms "county court judge," "clerk of the peace," "civil bill court," "county," and "borough" in this Act shall have the same meaning as is provided by the fortieth and forty-first Victoria, chapter fifty-six.

Interpretation of terms.

4. Any person dissatisfied with any decree, dismiss, or order, whether adverse to him or in his favour, pronounced by any county court judge, in the exercise by him of any jurisdiction at law under the several Acts conferring jurisdiction on county or civil bill courts in Ireland, may, in manner herein provided, appeal therefrom to the judge of assize for the respective counties in which such decree, dismiss, or order shall have been made or pronounced; and such judge of assize is hereby empowered and required to hear such suit or matter, and to make such decree or order thereon, and issue such execution in all respects as is empowered by the several statutes in that behalf by the said county court judges to be awarded, and the said judge of assize may upon any such appeal

Any person dissatisfied with any adjudication may appeal to the judge of assize, who is hereby authorised to hear and determine the same.

adjourn or remit the suit or matter back to the county court judge with such declarations or directions as he shall think proper, and may upon said appeal make such order with reference to the costs thereof as he shall think fit. Nothing contained in this section shall apply to any suit or matter instituted under the equitable jurisdiction vested in the county courts by the County Officers and Courts (Ireland) Act, 1877, as amended by this Act.

40 & 41 Vict. c. 56.

Appeal to be by notice served within four clear days after close of sitting of civil bill court.

5. Every appeal under this Act shall be by notice signed by the party appealing or his solicitor in the form or to the like effect in the schedule to this Act annexed. Such notice shall be lodged with the clerk of the peace and shall be served within four clear days from the close of the sitting of the county court for the hearing of civil bills at which the decree or adjudication appealed from shall have been made, and shall be to the next assize to be held after the said period. Service of such notice shall be effected on the opposing party or his solicitor personally, or by leaving same at their or either of their residences with a clerk, servant, wife, or child, or other person therein over the age of sixteen years; and proof of such service shall be by affidavit made before any justice of the peace, which he is hereby empowered to take, or before the clerk of the peace; and on such proof being given the clerk of the peace shall enter the same for hearing before the judge of assize, and such entry shall be primâ facie proof of due service thereof before such judge of assize.

Proof of service by affidavit.

Notice of appeal shall be a stay of execution in case a recognizance be entered into as provided herein, or the amount lodged.

6. A notice of appeal shall be a stay of execution, provided a recognizance with sufficient sureties conditioned to pay the sum recovered and costs, or costs awarded in case no sum is recovered if a defendant appealing, or to pay the costs awarded where the appellant was a plaintiff in the county court, and to pay the costs of the appeal in case the adjudication appealed from was in favour of the party appealing, be entered into within the said period of four clear days before the clerk of the peace or any justice of the peace of the county, or in case the party appealing desire to dispense with a recognizance by lodgment within the like period of the amount of said sums respectively with the clerk of the peace, who shall retain the same and dispose thereof as he shall be directed by the judge of assize; and the recognizance herein provided may be in the Form 31, Schedule C. of the fourteenth and fifteenth Victoria, chapter fifty-seven, or to the like effect, and with such variation as is by this Act provided; and the reception of such recognizance by the clerk of the peace shall be conclusive evidence that the several provisions herein enacted in reference thereto have been complied with, and in case any such recognizance shall have been taken by any justice of the peace, the same shall be returned to the clerk of the peace within two days after same shall have been taken or acknowledged: Provided always, that nothing herein contained shall affect the provisions of the sixty-ninth section of the twenty-third and twenty-fourth Victoria, chapter one hundred and fifty-four.

Reception of recognizance by clerk of peace conclusive evidence that the provisions in reference thereto complied with.

Appeal from Recorder of Dublin.

7. Appeals in civil bill cases from the Recorder of Dublin shall be to the court to which such appeals lie at the time of the passing of this Act, but in other respects shall be regulated by the enactments contained in this Act.

8. In case any decree, dismiss, or adjudication, notwithstanding notice of appeal and of the entry into such recognizance or of the making of such lodgment as is herein provided, shall be executed, the party so executing the same or continuing in possession of any goods thereafter shall be deemed to be a trespasser, and may be proceeded against accordingly.

Execution after notice of entering into recognizance to render party a trespasser.

9. From and after the passing of this Act sections one hundred and twenty-seven, one hundred and twenty-eight, one hundred and twenty-nine, and one hundred and thirty of the fourteenth and fifteenth Victoria, chapter fifty-seven, are hereby repealed; and it is hereby further enacted that every decree, dismiss, or adjudication made under section one hundred and fifty of the fourteenth and fifteenth Victoria, chapter fifty-seven, may be appealed from as in this Act provided. The fifty-fifth section of the County Officers and Courts (Ireland) Act, 1877, is hereby repealed

Repeal and re-enactment of certain statutable provisions.

10. The several civil bill courts in Ireland shall, in addition to the jurisdiction now possessed by them, have and exercise all the power and authority of the High Court of Chancery in the suits and matters herein-after mentioned, that is to say, where the subject thereof shall not exceed in amount or value, so far as it consists of personalty, five hundred pounds, and so far as it consists of lands, shall not exceed the annual value of thirty pounds; (that is to say,)

Extension of existing jurisdiction of county courts under 40 & 41 Vict. c. 56. s. 33.

(*a.*) In suits by executors or administrators for the administration of assets;

(*b.*) In suits for the setting aside, cancelling, or reforming any deed, agreement, assurance, or conveyance of any property on the ground of fraud or mistake.

11. Every order or adjudication made under the jurisdiction conferred by the foregoing section of this Act shall be subject to appeal as is provided by Part II. of the County Officers and Courts (Ireland) Act, 1877.

Appeals under jurisdiction conferred by foregoing section.

12. Nothing in this Act shall be deemed to include any appeal brought under the provisions of the Landlord and Tenant (Ireland) Act, 1870, or the Land Law (Ireland) Act, 1881, and appeals thereunder shall be brought in manner and to the court provided by the forty-seventh section of the Land Law (Ireland) Act, 1881.

Not to affect appeals under 33 & 34 Vict. c. 46. 44 & 45 Vict. c. 49.

SCHEDULE.

NOTICE OF APPEAL.

Notice of appeal.

Division of County of County Court.

Plaintiff
Defendant

TAKE NOTICE that I hereby appeal against the (*here state whether decree, order, dismiss, as the case may be,*) herein to the next going judge of assize in and for the county of

Dated this day of
(Signed)

To the Clerk of the Peace, The (Plaintiff *or* Defendant, *as the case may be,*) and his Solicitor.

CHAPTER 30.

An Act to amend the Baths and Wash Houses Acts.

[24th July 1882.]

WHEREAS it is desirable to give increased facilities to local authorities for providing baths and wash houses within easy and convenient reach:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Baths and Wash Houses Act, 1882, and shall be read as one with the Act of the ninth and tenth years of the reign of Her present Majesty, chapter seventy-four, in this Act called "the principal Act."

Amendment of 9 & 10 Vict. c. 74. s. 27.

2. Section twenty-seven of the principal Act shall be amended by the addition of the words "or in the immediate neighbourhood of such borough or parish" to the words "in any such borough or parish" wherever such last-mentioned words occur in the said section.

Amendment of 9 & 10 Vict. c. 74. s. 24.

3. The power conferred by section twenty-four of the principal Act to purchase or rent lands for the purposes of that Act shall extend to lands in the immediate neighbourhood of such borough or parish as is therein referred to.

CHAPTER 31.

An Act to render Judgments obtained in certain Inferior Courts in England, Scotland, and Ireland respectively, effectual in any other part of the United Kingdom.

[24th July 1882.]

31 & 32 Vict. c. 54.

WHEREAS it is expedient to extend the principle of the Judgments Extension Act, 1868, to the judgments of certain inferior courts of Great Britain and Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Inferior Courts Judgments Extension Act, 1882.

Interpretation of terms.

2. In this Act the following words and expressions shall have the interpretations and meanings in this section assigned to them respectively, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The expression "judgment" shall include decreet, civil bill decree, dismiss, or order:

The expression "inferior courts" shall include County Courts, Civil Bill Courts, and all Courts in England and Ireland having jurisdiction to hear and determine civil causes, other than the High Courts of Justice; and in Ireland, Courts of Petty Sessions and the Court of Bankruptcy; and in Scotland shall

include the Sheriff's Courts and the Courts held under the Small Debts and Debts Recovery Acts:

The expression "registrar of an inferior court" shall include the sheriff clerk of a Sheriffs Court in Scotland, and any officer fulfilling the duties of a registrar in an inferior court in England; and in Ireland shall include the clerk of the peace or other officer whose duty it is to enter the judgment, decree, or order of the court:

Prescribed" means prescribed by rules made under the provisions of this Act:

The expression "person" shall include any party or parties to a cause in any inferior court in England, Scotland, or Ireland.

The expression "plaintiff" shall include pursuer, complainer, or any person at whose instance any action or proceeding in an inferior court is instituted; and the expression "defendant" shall include defender, respondent, or other person against whom any such action or proceeding is directed.

The expression "action" shall mean the action or other proceeding in which any judgment was pronounced; and the expression "summons" shall mean the summons or other initial writ in such action.

Registrar of Inferior Court to grant certificate of judgment.

3. Where judgment shall hereafter be obtained or entered up in any of the inferior courts of England, Scotland, or Ireland respectively for any debt, damages, or costs, the registrar of such inferior court or other proper officer shall after the time for appealing against such judgment shall have elapsed, and in the event of such judgment not being reversed upon appeal or of execution thereunder not being stayed, upon the application of the party who has recovered such judgment, and upon proof that the same has not been satisfied, and payment of the prescribed fee, grant a certificate in the form in the schedule to this Act annexed.

Registration of certificate shall have the effect of a judgment of the Court in which it is registered

4. On the production to the registrar or other proper officer of a county court, or, in the City of London, of the City of London Court in England where a judgment has been obtained in Scotland or Ireland, or to the registrar or other proper officer of a Sheriff's Court in Scotland where a judgment has been obtained in England or Ireland, or to the registrar or other proper officer of a Civil Bill Court in Ireland where a judgment has been obtained in England or Scotland of a certificate under this Act purporting to be signed by the registrar or other proper officer of the inferior court where such judgment was obtained, such certificate shall, on payment of the prescribed fee, be registered in the prescribed form by such registrar or other proper officer to whom the same shall be produced for that purpose; and all reasonable costs and charges attendant upon the obtaining and registering such certificate shall be added to and recovered in like manner as if the same were part of the original judgment. No certificate of any such judgment shall be registered as aforesaid in any inferior court in the United Kingdom more than twelve months after the date of such judgment

Execution of judgments

5. Where a certificate of a judgment of any of the inferior courts aforesaid has been registered under this Act, process of execution may issue thereon out of the Court in which the same shall have been so registered against any goods or chattels of the person against

whom such judgment shall have been obtained, which are within the jurisdiction of such last-mentioned Court, in the same or the like manner as if the judgment to be executed had been obtained in the Court in which such certificate shall be so registered as aforesaid.

Jurisdiction over registered judgments limited to execution.

6. The courts of Great Britain and Ireland to which this Act applies shall, in so far as relates to execution under this Act, have and exercise the same control and jurisdiction over and with respect to the execution of any judgment, a certificate of which shall be registered under this Act, as they now have and exercise over and with respect to the execution of any judgment in their own courts.

Cancellation of registry.

7. On proof of the setting aside, or satisfaction, of any judgment of which a certificate shall have been registered under this Act, the Court in which such certificate is so registered may order the registration thereof to be cancelled.

Costs not to be allowed in actions on judgments unless by order of Court.

8. In any action brought in any of the inferior courts aforesaid for the purpose of enforcing any judgment which might be registered under this Act in the country in which such action is brought, the party bringing such action shall not recover or be entitled to any costs or expenses, unless the Court in which such action shall be brought shall otherwise order.

Existing limits of local jurisdiction shall not be exceeded.

9. Nothing contained in this Act shall authorise the registration in an inferior court of the certificate of any judgment for a greater amount than might have been recovered if the action or proceeding had been originally commenced in such inferior court.

Provided that where a judgment obtained in an inferior court in Scotland cannot be registered in an inferior court in England or Ireland, by reason of its being for a greater amount than might have been recovered if the action or proceeding had been originally commenced in such inferior court, it shall be competent to register a certificate of such judgment in the register directed to be kept in the Court of Common Pleas at Westminster and Dublin respectively, to be called "The Register of Scotch Judgments," by section three of the Judgments Extension Act, 1868, in the same manner, to the same effect, and subject to the same provisions, as if the said certificate had been a certificate of an extracted decreet of the Court of Session, registered in the said register under the said Act.

Act not to apply in certain cases.

10. This Act shall not apply to any judgment pronounced by any inferior court in England against any person domiciled in Scotland or Ireland at the time of the commencement of any action, unless the whole cause of action shall have arisen, or the obligation to which the judgment relates ought to have been fulfilled, within the district of such inferior court, and the summons was served upon the defendant personally within the said district, nor to any judgment pronounced by any inferior court in Scotland against any person domiciled in England or Ireland at the time of the commencement of any action, unless the whole cause of action shall have arisen, or the obligation to which the judgment relates ought to have been fulfilled, within the district of such inferior court, and the summons was served upon the defendant personally within the said district, nor to any judgment pronounced by any inferior court in Ireland against any person domiciled in England or Scotland at the time of the commencement of any action, unless the whole cause of action

shall have arisen, or the obligation to which the judgment relates ought to have been fulfilled, within the district of such inferior court, and the summons was served upon the defendant personally within the said district.

Provided that it shall be competent to any person against whom any judgment to which this Act does not apply, as aforesaid, is sought to be enforced by registration in the register of an inferior court in England or Ireland, to apply for and obtain from one of the superior courts of England or Ireland a prohibition or injunction against the enforcement of such judgment, and of any execution thereupon; and that it shall be competent to any person against whom any judgment to which this Act does not apply, as aforesaid, is sought to be enforced by registration in the register of an inferior court in Scotland, to apply for and obtain from the Bill Chamber or Court of Session in Scotland suspension or suspension and interdict of or against the enforcement of such judgment and any diligence thereon, and in any such proceeding as aforesaid the unsuccessful party may be found liable in costs.

Rules.

11. Rules for the purposes of this Act may be made and altered from time to time by the like persons and in the like manner in which rules and regulations may be respectively made under and for the purposes of the County Courts Acts in England; of the Sheriffs Courts Acts in Scotland, and of the Civil Bill Courts Acts in Ireland; provided that the said rules and regulations shall not extend the jurisdiction of any inferior court.

SCHEDULE.

CERTIFICATE issued in terms of the Inferior Courts Judgments Extension Act, 1882.

I , certify that [*here state name, business, or occupation, and address of person obtaining judgment, and whether Plaintiff or Defendant*] on the day of 18 , obtained judgment against [*here state name, business, or occupation and address of person against whom judgment was obtained, and whether Plaintiff or Defendant*] in the Court of for payment of the sum of on account of [*here state shortly the nature of the claim with the amount of costs (if any) for which judgment was obtained.*]

[*To be signed by the Registrar or other proper Officer of the Inferior Court from which the certificate issues, and to be sealed with the Seal of the Court.*]

NOTE of PRESENTATION to be appended to above Form.

The above certificate is presented by me for registration in the Court of , in accordance with the provisions of the Inferior Courts Judgments Extension Act, 1882.

[*Signature and address of Solicitor, Law Agent, or Creditor presenting for Registration.*]

CHAPTER 32.

An Act for the acquisition of Property and the provision of new Buildings for the Admiralty and War Office.

[24th July 1882.]

WHEREAS it is expedient to provide fresh accommodation for the Admiralty and the War Office:

And whereas the lands required for the purposes of this Act cannot be acquired without the authority of Parliament:

And whereas duplicate plans (in this Act referred to as the "deposited plans") describing the situation of the said lands, with the houses and buildings thereon (in this Act referred to as the "prescribed lands"), with a book of reference thereto containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers thereof, have been deposited with the clerk of the peace for the county of Middlesex at his office at the Sessions House, Clerkenwell, and with the vestry clerk of the parish of Saint Martin's-in-the-Fields, in the said county of Middlesex, at the vestry hall of the said parish:

And whereas the prescribed lands are divisible into five classes:—(1) Lands vested in Her Majesty as part of the hereditary land revenues of the Crown, but subject to certain outstanding leases, estates, and interests, which lands are described in the First Schedule to this Act: (2) lands vested in Her Majesty as part of the hereditary land revenues of the Crown, from which no rent is at the present time payable to Her Majesty, which lands are described in the Second Schedule to this Act: (3) lands by the Act of the session of the second and third years of the reign of His late Majesty King William the Fourth, chapter forty, vested in the Commissioners for executing the office of Lord High Admiral for the time being, and their successors in office, in trust for His said Majesty, his heirs and successors, for the public service, which lands are described in the Third Schedule to this Act: (4) lands freely and voluntarily and without valuable consideration granted in the year one thousand eight hundred and twenty-nine, in the reign of His late Majesty King George the Fourth, by the Commissioners of Woods to His Majesty's commissioners for building new churches, which said lands, subject to a lease of the vaults under Saint Matthew's Chapel, Spring Gardens, are vested in the Vicar of the parish of Saint Martin-in-the-Fields, and are described in the Fourth Schedule to this Act: (5) lands belonging to private owners and described in the Fifth Schedule to this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Purposes of Act.

1. The purposes of this Act are the acquisition and appropriation of the prescribed lands for the improvement, enlargement, rebuilding, and concentration of the offices and buildings used as the Admiralty and War Office, and the constructing and doing such works and things as are conducive to the attainment of such purposes, or any of them, or incidental thereto.

2. The lands described in the First and Second Schedules to this Act shall, on and after the first day of January one thousand eight hundred and eighty-three, vest in the Commissioners of Her Majesty's Works and Public Buildings (in this Act referred to as "the Commissioners") and their successors and assigns, for all the estate and interest of Her Majesty therein, but subject to any outlying leases, interests, or estates: Provided that any such leases, interests, or estates granted by or on behalf of Her Majesty to the Commissioners for executing the office of Lord High Admiral for the time being and their successors in office shall vest absolutely in the Commissioners and their successors and assigns, and on and after such day as aforesaid the lands described in the Third Schedule to this Act shall vest in the Commissioners, and their successors and assigns, for all the estate therein of the Commissioners for executing the office of Lord High Admiral for the time being and their successors in office, and on and after the thirtieth day of June one thousand eight hundred and eighty-three the lands described in the Fourth Schedule hereto shall vest in the Commissioners, and their successors and assigns, but subject to the said lease of the vaults under the said chapel.

Lands described in the First, Second, Third, and Fourth Schedules to vest in the Commissioners of Works

3. The Commissioners may for the purposes of this Act purchase and acquire the lands described in the Fifth Schedule to this Act, and all or any outstanding estates, interests, or easements in any of the prescribed lands, and for the purposes of such acquisition and purchase the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, in this Act referred to as "The Lands Clauses Consolidation Acts," shall be incorporated with this Act, so far as the same may be applicable to and are not inconsistent with or modified by the provisions of this Act, and with the exceptions and additions and subject to the provisions following, (that is to say,)

Power to Commissioners of Works to acquire lands described in the Fifth Schedule, and any outstanding estates, &c., and incorporation of Lands Clauses Consolidation Acts 8 & 9 Vict c 18. 23 & 24 Vict c 106 32 & 33 Vict. c 18.

(1) There shall not be incorporated with this Act the provisions relating to the sale of superfluous land, and the provisions relating to affording access to the special Act, and,

(2) In the construction of this Act and the said incorporated Acts this Act shall be deemed to be "the special Act," and the Commissioners shall be deemed to be "the promoters of the undertaking," and,

(3) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be under the common seal of the Commissioners, and shall be sufficient without the addition of the sureties in the said section mentioned, and,

(4) All claims for compensation made upon the Commissioners under the provisions of this Act or any Act incorporated herewith shall, if the person claiming to be entitled to compensation has no greater interest than as tenant for a year or from year to year in the lands in respect of which the compensation is claimed, be determined in manner provided by section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845.

4. The consideration payable to Her Majesty in respect of the lands described in the First and Second Schedules to this Act shall be ascertained as follows, that is to say,

Mode of ascertaining consideration payable to Her

Majesty in respect of Crown lands

A surveyor to be appointed for the purpose by the Treasury shall, previous to the first day of June one thousand eight hundred and eighty-three and having regard to the considerations mentioned in section sixty-three of the Lands Clauses Consolidation Act, 1845, ascertain—

(1) The consideration to be paid for the estate and interest of Her Majesty in the lands described in the First Schedule to this Act, distinguishing what proportion of such consideration is applicable to the Office of Land Revenue Records and Inrolments, and

(2) The consideration to be paid for the estate and interest of Her Majesty in the lands described in the Second Schedule to this Act

The Commissioners shall pay all costs and expenses incurred by Her Majesty or by the Commissioners of Woods in relation to the valuation of the said lands or the purchase thereof under this Act

Terminable annuity to be paid to Commissioners of Woods in respect of lands described in the First Schedule

5. The consideration payable to Her Majesty in respect of the lands described in the First Schedule to this Act, together with interest thereon at the rate of three-and-a-half per cent per annum, shall be a charge upon the Consolidated Fund of Great Britain and Ireland, and shall be paid out of the said Consolidated Fund to the Commissioners of Woods by the following instalments, that is to say,

Upon the thirtieth day of June and the thirty-first day of December one thousand eight hundred and eighty-three, and upon each succeeding thirtieth day of June and thirty-first day of December, up to and inclusive of the thirtieth day of June one thousand nine hundred and seventeen, a sum of money equal in amount to one-fortieth part of the said consideration, and upon the eleventh day of September one thousand nine hundred and seventeen a sum of money equal in amount to two-fifths of one-fortieth part of the said consideration, shall be paid to the Commissioners of Woods

The said consideration shall be accounted for and applied by the Commissioners of Woods in manner following, that is to say,

So much of each sum so to be paid as aforesaid as is equal in amount to seven four-hundredth parts of such portion of the said consideration as remains unpaid immediately before the payment of such sum shall, upon payment thereof, be deemed to be interest upon the said portion so remaining unpaid, and be carried to the account of the income of the land revenues of the Crown, and applied as part thereof, and the residue of each sum so to be paid as aforesaid shall, upon payment thereof, be deemed to be a payment on account of the said consideration, and be carried to the account of the capital of the land revenues of the Crown, and applied as part thereof

Rents in respect of lands described in the First Schedule to be

6. All rents in respect of any of the lands described in the First Schedule to this Act in arrear on the first day of January one thousand eight hundred and eighty-three, or accruing due in respect of such lands up to the rent day next succeeding the said

first day of January one thousand eight hundred and eighty three, shall be received by the Commissioners of Woods, and the Commissioners of Woods shall pay to the Commissioners an apportioned part of such rents in respect of the time between the said first day of January one thousand eight hundred and eighty-three and such next succeeding rent-day, and after such rent-day the said rents shall be received by the Commissioners

received by the Commissioners of Woods until 1st of January 1883

7. The consideration payable to Her Majesty in respect of the lands described in the Second Schedule to this Act, together with interest thereon at the rate of three-and a-half per cent per annum, shall whenever the income of the land revenues of the Crown ceases to be carried to and form part of the said Consolidated Fund, and is retained by the Crown as part of its hereditary revenues, become a charge upon the said Consolidated Fund, and shall be paid out of the said Consolidated Fund to the Commissioners of Woods by the following instalments, that is to say.—

Terminable annuity to be paid to Commissioners of Woods in respect of lands described in the Second Schedule on resumption of land revenues by the Crown

Upon the thirtieth day of June or thirty-first day of December whichever first happens thereafter, and upon each succeeding thirtieth day of June and thirty-first day of December until sixty-nine half yearly payments have been so made, a sum of money equal in amount to one-fortieth part of the said consideration, and upon the seventy-third day after such last half-yearly payment has been made a sum of money equal to two-fifths of one-fortieth part of the said consideration, shall be paid to the Commissioners of Woods

The said consideration shall be accounted for and applied by the Commissioners of Woods in the same manner as is provided by this Act in respect of the consideration to be paid for the estate and interest of Her Majesty in the lands described in the First Schedule to this Act

8. The Commissioners of Woods may with the approval of the Treasury provide out of the capital of the land revenues of the Crown a new office of Land Revenue Records and Inrolments in lieu of the office existing at the passing of this Act

Provision with respect to Office of Land Revenue Records and Inrolments

In case the office existing at the passing of this Act is temporarily retained as such office by the Commissioners of Woods after the thirty-first day of December one thousand eight hundred and eighty-two, the Commissioners of Woods shall, during the period from the said thirty-first day of December one thousand eight hundred and eighty-two until possession of the said office is given to the Commissioners, pay to the Commissioners, out of the income of the land revenues of the Crown, interest by way of rent at the rate of three-and a-half per cent per annum upon such proportion of the consideration payable in respect of the lands described in the First Schedule to this Act as is found to be applicable to the said office

9. The surveyor herein-before directed to be appointed by the Treasury shall previous to the first day of June one thousand eight hundred and eighty-three, and having regard to the considerations mentioned in section sixty-three of the Lands Clauses Consolidation Act, 1845, ascertain the consideration to be paid for the lands described in the Fourth Schedule to this Act, and the said consideration shall be paid by the Commissioners to the Commissioners

Provisions with respect to St Matthew's Chapel, Spring Gardens

of Woods on or before the thirtieth day of June one thousand eight hundred and eighty-three

All rent in respect of the vaults under the said chapel in arrear on the thirtieth day of June one thousand eight hundred and eighty-three shall be received by the vicar of the parish of Saint Martin-in-the-Fields, and all rent accruing due up to the first day of payment after the said thirtieth day of June one thousand eight hundred and eighty-three shall be received by the Commissioners and the Commissioners shall pay to the said vicar an apportioned part of such rent in respect of the time between the last preceding day of payment and the said thirtieth day of June one thousand eight hundred and eighty-three

The Commissioners of Woods shall pay all expenses in relation to the purchase of the lands described in the Fourth Schedule to this Act other than expenses payable under this Act by the Commissioners, out of the purchase money to be paid for such lands, and subject to the payment of the said expenses, the Commissioners of Woods shall lay out the whole of the said purchase money if the same does not exceed the sum of two thousand three hundred and thirty-three pounds, or, if the same exceeds such sum, shall lay out two thousand three hundred and thirty-three pounds, in the purchase of Three Pounds per Centum Consolidated Bank Annuities, or Three Pounds per Centum Reduced Bank Annuities, in the names of the vicar and churchwardens for the time being of the parish of Saint Martin-in the-Fields, and the said vicar and churchwardens shall apply the dividends arising therefrom to the repair and maintenance of the fabric of the parish church of Saint Martin in-the-Fields, and shall lay out the residue, if any, of such purchase money, after laying out the said sum of two thousand three hundred and thirty-three pounds as aforesaid and after payment of such expenses, in the purchase of Three Pounds per Centum Consolidated Bank Annuities, or Three Pounds per Centum Reduced Bank Annuities, in the names of the said Commissioners of Woods and any dividends arising therefrom shall be laid out by the said Commissioners of Woods in like manner

The Commissioners of Woods may, with the consent of the Lord Bishop of the Diocese of London, and having regard to the advantage which any future or present lessees or tenants of the Crown, their servants and dependents, may derive or be likely to derive from the proximity of the church or chapel to Crown property, from time to time apply the whole or any part of the said residue of the said purchase money so laid out as aforesaid, and of the dividends arising therefrom in or towards the cost of providing a church or chapel or of enlarging a church or chapel in the said diocese of London

Lands to continue subject to land tax

10. Any of the prescribed lands acquired for the purposes of this Act which were at the time of such acquisition subject to land tax, shall continue liable thereto

Extinction of rights of way and other easements

11. All rights of way, rights of laying down or of continuing any pipes sewers, or drains, on through, or under any of the prescribed lands acquired for the purposes of this Act and all other rights or easements in or relating to such lands shall be extinguished, and all the soil of such ways, and the property in the pipes, sewers, or

drains, shall vest in the Commissioners, subject to this provision, that all persons and bodies of persons, corporate and unincorporate, may recover from the Commissioners such compensation, if any, as they may be entitled to under the provisions of the Lands Clauses Consolidation Acts, or any of them, for any rights or property of which they may be deprived in pursuance of this section, the amount of such compensation to be determined in manner provided by the Lands Clauses Consolidation Acts.

As to rights of Metropolitan Board of Works.

12. Nothing in this Act shall extend to take away or impair any rights or jurisdiction of the Metropolitan Board of Works in relation to any sewers, drains, or watercourses

Power to Commissioners to enter lands to survey and value.

13. The Commissioners, and their surveyors, officers, and workmen, may at all reasonable times in the daytime, upon giving twenty-four hours previous notice in writing to the occupier thereof, enter into and upon any of the prescribed lands for the purpose of surveying or valuing the same.

Power to Commissioners to execute works.

14. The Commissioners after they have acquired possession of the prescribed lands, or of any part thereof, may pull down and remove any buildings on such lands or on such part, and sell the materials composing such buildings, and may construct on such lands or on such part such buildings and works, and do all such other things, as may, in their opinion, be suitable and proper for the purposes of this Act.

Exemption from operation of 18 & 19 Vict. c. 122.

15. All buildings erected on the prescribed lands by or under the direction of the Commissioners shall be exempt from the operation of the Metropolitan Buildings Act, 1855, and any Act amending the same, whether passed before or after the passing of this Act, except so far as any future Act expressly negatives this section.

Expenses of carrying out the purposes of the Act.

16. Save as in this Act specially provided, all expenses incurred by the Commissioners in carrying out the purposes of this Act shall be defrayed out of moneys provided by Parliament, and all moneys received under this Act by the Commissioners shall be paid into the Exchequer.

Lands to be purchased and held subject to 15 & 16 Vict. c. 28. 14 & 15 Vict. c. 42.

17. Every acquisition by the Commissioners of any part of the prescribed lands, or of any estate, interest, or easement therein, shall be deemed to be a purchase under the Act of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter twenty-eight, intituled "An Act to amend an Act of the fourteenth "and fifteenth years of Her present Majesty, for the direction of "public works and buildings; and to vest the buildings appro-"priated for the accommodation of the Supreme Courts of Justice "in Edinburgh in the Commissioners of Her Majesty's Works "and Public Buildings;" and the prescribed lands, or such portions thereof as may be acquired for the purposes of this Act, shall be held by the Commissioners for the public service in like manner as if such lands or portions had been duly purchased by them under the said Act of the fifteenth and sixteenth years of the reign of Her present Majesty.

Provided that in the case of the purchase, sale, or exchange of any part of the prescribed lands, or of any estate, interest, or easement therein, it shall not be necessary for the person who sells or purchases the same or takes the same in exchange to ascertain that

the direction or consent of the Treasury has been given to such sale, purchase, or exchange.

Authentication of notices.

18. Every notice, summons, writ, or other document required to be given, issued, or signed by or on behalf of the Commissioners may be given, issued, or signed by the secretary or assistant secretary for the time being of the Commissioners, and need not be under the common seal of the Commissioners, and may be in writing or in print, or partly in writing and partly in print.

Orders of High Court may be made in chambers.

19. Subject to any rules of court, all orders which the High Court is empowered to make under this Act may be made by a judge of the High Court in chambers, and any application for or in respect of any such order shall be made to a judge of the Chancery Division of the High Court.

Penalty for obstructing Commissioners.

20. Any person who wilfully obstructs any person acting under the authority of the Commissioners in the lawful exercise of the powers vested in them under this Act shall for each offence be liable to a penalty not exceeding five pounds, to be recovered in manner provided by the Summary Jurisdiction Acts.

Deeds to be inrolled in Queen's Remembrancer's office.

21. Every conveyance, assignment, or other deed or instrument whereby any land, or any estate, interest, or easement by this Act authorised to be purchased is conveyed or assigned to the Commissioners for the purposes of this Act shall be inrolled in the office of the Queen's Remembrancer amongst the records of the High Court, and entered in the books of the Commissioners; and every such conveyance, assignment, or other deed or instrument when so inrolled shall, without any other inrolment or acknowledgment thereof, and without any registry thereof, be good and available in law, any Act of Parliament, law, practice, or usage to the contrary in anywise notwithstanding.

Interpretation of terms.

22. In this Act—

"The Treasury" means the Commissioners of Her Majesty's Treasury:

"The Commissioners of Woods" means the Commissioners of Her Majesty's Woods, Forests, and Land Revenues:

"High Court" means Her Majesty's High Court of Justice in England.

Short title.

23. This Act may be cited as the Public Offices Site Act, 1882.

SCHEDULES referred to by the foregoing Act.

THE FIRST SCHEDULE.

No. on deposited Plan.	Description of Property.
	SPRING GARDENS.
57	House, offices, and yard, No. 16.
56	Mansion house, offices, garden, stable, yard, coach-houses, and stables, No. 18.
55	House and offices, No. 20.

No. on deposited Plan.	Description of Property.
54	House and offices, No. 22.
53	House and offices, No. 24.
52	House and offices, No. 26.
49	House, yard, and offices, No. 28
48	House, yard, and offices, No. 30
47	House, yard, and offices, No. 32.
46	House, yard, and offices, No. 34.
45	House, yard, and offices, No. 36.
44	House and offices, No. 38.
43	House, yard, and offices, No. 40.
42	House, yard, and offices, No. 42.
41	House, yard, and offices, No. 44.
40, 39, 38	House, offices, yard, and garden, No. 46, passage under footway, and ornamental garden ground.
22	House and offices, No. 45.
23	House and offices, No. 47.
25	House and offices, No. 51.
26	House and offices, No. 53.
27	House and offices, No. 55.
28	House and offices, No. 57.
29	House and offices, No. 59.
30	House and offices, No. 61.
31	House and offices, No. 63.
32	House and offices, No. 65.
33	House and offices, No. 67.
34	House and offices, No. 69.
35	House and offices, No. 71.
36	House and offices, No. 73.
37	House, offices, and yard, No. 75.
	WHITEHALL.
Part 3	Part of the mansion house, offices, gardens, yards, and buildings known as the Admiralty.

THE SECOND SCHEDULE.

No. on deposited Plan.	Description of Property.
1	Forage barn of cavalry guard and engine house, Whitehall.
2	House and garden in Whitehall.
59	House and offices and forecourt in St. James's Park.
60	Dwelling-house, garden, out-buildings, stables, and forecourt in Saint James's Park.
21	The site of Spring Gardens Mews.
61	Part of St. James's Park.
62	The site of passage-way leading from Spring Gardens to Saint James's Park.
58	The site of steps and passage-way from Spring Gardens to Saint James's Park.

THE THIRD SCHEDULE

No. on deposited Plan	Description of Property
Part 3	Part of the mansion house, offices, gardens, yards, and buildings known as the Admiralty, Whitehall
Part 4	Building in rear of houses Nos 37 and 38, Charing Cross
21	Two houses and offices, No 49, Spring Gardens

THE FOURTH SCHEDULE

No on deposited Plan	Description of Property
	SPRING GARDENS
50	St Matthew's Church and vaults under
51	Entrance to vaults and area

THE FIFTH SCHEDULE

No on deposited Plan	Description of Property
	CHARING CROSS.
Part 4	House and offices, No 37
5	House, No 38
6	House, offices, out-buildings, yard, and shop, No 39
7	House, offices, and shop, No 40
8	House and yard, No 41
9	House and shop, No 53
10	House and shop, No 54
	SPRING GARDENS.
11	House and wine vaults, No 21
12	Vacant ground
13	Entrance to the "Ship Restaurant"
14	House and yard, No 29.
15	House and offices, No 31
16	House, offices, yard, and out-buildings, No. 33
17	House, office, and out-buildings, No. 35
18	House, yard, and out-buildings, No 37
19	House, yard, and out-buildings, No 39
20	Public-house, yard, and out-buildings—"Duke of Wellington"

CHAPTER 33.

An Act further to amend the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes. [10th August 1882.]

WHEREAS by the Metropolitan Board of Works (Loans) Act, 1875, (in this Act referred to as "the Act of 1875.") the raising of money by the Metropolitan Board of Works (in this Act referred to as "the Board") for the purposes therein specified was regulated, and provision was made requiring that the borrowing powers granted to the Board by Parliament for the purposes therein named should for the future be limited both in time and amount: 38 & 39 Vict. c. 65.

And whereas by the Metropolitan Board of Works (Money) Act, 1881, (in this Act referred to as "the Act of 1881,") the Board were empowered to raise certain sums of money for the purposes in the said Act mentioned, and limits of time and amount within which the powers by the said Act granted might be exercised were fixed: 44 & 45 Vict. c. 48.

And whereas the powers for the raising of money by the Act of 1881 conferred upon the Board have been partially exercised, but it is expedient that the Board should have power to raise certain further sums of money specified in the First Schedule to this Act annexed for the purposes, upon the terms, and subject to the limitations herein-after mentioned, and that the Act of 1881 should be amended:

And whereas it is expedient that the Board should be empowered to raise any of the moneys which they are by this Act authorised to raise, and which it may be convenient to raise for a temporary period by the issue of bills, with the consent of the Treasury, for not less than three and not more than twelve months to be repaid out of moneys raised by the creation of consolidated stock under this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Metropolitan Board of Works (Money) Act, 1882, and the Metropolitan Board of Works (Money) Acts, 1875 to 1881, and this Act, may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1882. Short title.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1881. Construction of Act.

3. The expression "Parks and Open Spaces Acts" in this Act shall mean the enactments specified in Part I. of the Second Schedule to this Act annexed. Interpretation.

The expression "Embankment Acts" in the Metropolitan Board of Works (Loans) Act, 1869, and in this Act, shall mean the series of Acts specified in Part II. of the Second Schedule to this Act annexed, and the Metropolitan Board of Works (Loans) Act, 1869, shall be construed accordingly.

The expression "Main Drainage Acts" in this Act shall have the same meaning as is assigned to the same term in the Metropolitan Board of Works (Loans) Act, 1869.

Amendment of 44 & 45 Vict. c. 48. s. 10. for purposes of Fire Brigade.

4. Section ten of the Act of 1881 shall be read and construed as if the aggregate amount which the Board was thereby authorised to expend for the purposes of the Fire Brigade Act, 1865, had been limited to a sum not exceeding thirty-five thousand pounds instead of thirty thousand pounds.

Amendment of 44 & 45 Vict. c. 48. s. 33. as to expenditure for purposes of main drainage and main sewers.

5. Section thirteen of the Act of 1881 shall be read and construed as if the aggregate amount which the Board was thereby authorised to expend for the purposes of main drainage and main sewers therein mentioned had been limited to a sum of four hundred and five thousand pounds instead of four hundred thousand pounds.

Amendment of 44 & 45 Vict. c. 48. s. 9 (*e*) as to expenditure for toll bridges and pensions. 40 & 41 Vict. c. xcix.

6. Sub-section (*e*) of section nine of the Act of 1881 shall be read and construed as if the aggregate amount which the Board were thereby authorised to expend for the purposes of the Metropolis Toll Bridges Act, 1877, and commutations of pensions therein mentioned, had been limited to a sum of eighty thousand pounds instead of fifty thousand pounds.

Amendment of 44 & 45 Vict. c. 48. s. 7. as to expenditure for Hackney Commons. 44 & 45 Vict. c. cxlviii.

7. Section seven of the Act of 1881 shall be read and construed as if the amount which the Board was thereby authorised to expend for the purposes of the Metropolitan Board of Works (Various Powers) Act, 1881, had been limited to thirty-five thousand seven hundred pounds instead of thirty-four thousand two hundred pounds, and as if the Board was thereby authorised to expend the said sum of thirty-five thousand seven hundred pounds for the purposes of the Metropolitan Board of Works (Hackney Commons) Act, 1881.

Power to contribute to improvements at Hyde Park Corner.

8. The Board may from time to time, up to the thirty-first day of December one thousand eight hundred and eighty-three, expend for the purpose of contributing towards the expenses of the improvements for facilitating the passage of traffic at Hyde Park Corner, and of all works and other matters necessary or incidental thereto now in contemplation and about to be commenced and completed by and under the authority of the First Commissioner of Her Majesty's Works and Public Buildings, such moneys as they may think fit, not exceeding the sum of twenty thousand pounds. All moneys expended by the Board for the purposes aforesaid shall be deemed to be expended under the authority of section one hundred and forty-four of the Metropolis Management Act, 1855, and the enactments altering, amending, or affecting the same: Provided always, that the moneys to be expended and the consolidated stock to be created by the Board for the purposes mentioned in this section shall be raised and created by them from time to time in such amounts and at such times only as the Board shall actually require and as the Treasury shall approve for the said purposes.

18 & 19 Vict. c. 120.

Power to expend moneys for purposes of 45 & 46 Vict. c. lvi.

9. The Board may from time to time, up to the thirty-first day of December one thousand eight hundred and eighty-three, expend for the purposes of the Metropolitan Board of Works (Various Powers) Act, 1882, such moneys as they may think fit, not exceeding eighty-four thousand pounds: Provided always, that the money to be raised and the consolidated stock to be created by the Board

for the purposes mentioned in this section shall be raised and created by them from time to time in such amounts and at such times only as the Board shall actually require and as the Treasury shall approve for the purpose of carrying out the provisions of the said Act in a proper and efficient manner.

10. The Board may from time to time during the year ending the thirty-first day of December one thousand eight hundred and eighty-three expend for the purposes herein-after mentioned such moneys as they may think fit, not exceeding the amounts limited in relation to such purposes respectively.

Power to expend moneys for sundry purposes during year 1883

(*a*) For the purposes mentioned in section one hundred and forty-four of the Metropolis Management Act, 1855, and section seventy-two of the Metropolis Management Amendment Act, 1862, one hundred thousand pounds,

18 & 19 Vict c 120. 25 & 26 Vict c 102

(*b*.) For the purposes of the Metropolitan Street Improvements Act, 1872, thirty-four thousand and nine hundred and thirty-seven pounds eight shillings and threepence,

35 & 36 Vict c clxiii

(*c*) For the purposes of the Parks and Open Spaces Acts, fifteen thousand pounds;

(*d*.) For the purposes of the Embankment Acts, including the purchase and erection of lamp standards on such parts of such works as the Board may think fit, and of the Sun Street improvement under the Metropolitan Board of Works, Various Powers, Act, 1876, three thousand pounds,

39 & 40 Vict c lxxix

(*e*.) For the purposes of the Metropolis Toll Bridges Act, 1877, including the cost of certain special works for the maintenance and repair of certain of the bridges acquired by the Board under the said Act, and commutation of pensions, sixty-five thousand pounds;

40 & 41 Vict c xcix

(*f*) For the purposes of providing station-houses, fire-engines, fire-escapes, and permanent plant for the purposes of the Fire Brigade Act, 1865, fifty thousand pounds;

28 & 29 Vict c 90.

(*g*) For the purposes of the road to be made and fenced by the Board across Wormwood Scrubs, and for enabling the Board to contribute to the expenses of the Fulham District Board of Works on account of the roads from Shepherd's Bush Common and the Harrow Road respectively, communicating with the said road across Wormwood Scrubs, six thousand pounds,

(*h*) For the purposes of the Metropolitan Street Improvements Act, 1877, seven hundred and fifty thousand pounds, or such further sum as the Treasury may approve, provided that the moneys hereby authorised to be expended for the said purposes, together with all moneys heretofore authorised to be expended by the Board for the said purposes, shall not exceed three million seven hundred and twelve thousand five hundred and seven pounds;

40 & 41 Vict c ccxxxv

(*i*) For the purposes of the Thames River (Prevention of Floods) Act, 1879, ninety thousand pounds, or such further sum as the Treasury may approve,

42 & 43 Vict c cxcviii

(*k*.) For the purposes of the Metropolitan Bridges Act, 1881, two hundred and fifty thousand pounds, Provided that the moneys hereby authorised to be expended for the said purposes, together with all moneys heretofore authorised to be expended

44 & 45 Vict c cxcii

by the Board for the said purposes, shall not exceed seven hundred and sixty thousand pounds,

38 & 39 Vict c 36

(*l*) For the purposes of schemes made by the Board under the authority of the Artizans and Labourers Dwellings Improvement Act, 1875, and confirmed by Provisional Order and Act of Parliament, seventy thousand pounds, or such further sum as the Treasury may approve,

42 & 43 Vict c ccl
45 & 46 Vict c clvii

(*m*) For the purposes of sections ninety-one and ninety-two of the Metropolitan and District Railways (City Lines and Extensions) Act, 1879, as amended by the Metropolitan and District Railways (City Lines and Extensions) Act, 1882, with respect to the construction of the new street and works in the said section ninety-one mentioned, and the payment of the contribution towards the expense of constructing the same after the completion and opening of the same for the use of the public as by the said enactments provided, five hundred thousand pounds, and

(*n*) For the purpose of acquiring a piece of land as an addition to Brook Green, in the parish of Hammersmith, an open space under the control and management of the Board, two thousand pounds.

Provided always, that the moneys to be expended and the consolidated stock to be created by the Board for the purposes mentioned in this section respectively shall be raised and created by them from time to time in such amounts and at such times only as the Board shall actually require and as the Treasury shall approve for the said purposes respectively.

Special power to expend money for purposes of main drainage and main sewers

18 & 19 Vict c 120

11. The Board may from time to time up to the thirty-first day of December, one thousand eight hundred and eighty-three, expend, for the purpose of adding to, extending, enlarging, improving, and completing the works authorised by the Main Drainage Acts, and for rendering the same efficient in such manner as to them may seem proper, and for extending, enlarging, and improving the main sewers transferred to and vested in the Board under and by virtue of the Metropolis Management Act, 1855, and for making such other sewers and works, and such alterations and diversions of such existing main sewers, as may to them seem proper for the purpose of relieving, supplementing, and rendering such main sewers efficient, and for carrying into effect the several provisions in relation thereto mentioned in the said Acts, such moneys as they may think fit not exceeding one hundred and ninety thousand pounds, in addition to any moneys which they are authorised to expend under any Acts passed previously to the passing of this Act, and all the provisions of the Main Drainage Acts and the Metropolis Management Act, 1855, and the Acts altering or amending the same, for the time being in force relating to the execution of works authorised by the said Acts respectively shall continue in force, and shall extend and apply respectively to the works executed by means of money raised for the purposes of this section, and all stock created under the authority of this Act, for such purposes shall be deemed to be created for the purposes of the above-mentioned Acts respectively.

12. The Board may as part of their general expenses pay all costs, charges, and expenses, which may be incurred by them up to the thirty-first day of December one thousand eight hundred and eighty-three, of and incidental to any inquiry to be instituted with respect to markets for the sale of food supplies within the Metropolis as defined by the Metropolis Management Act, 1855, and preliminary to, in, and incidental to the preparing, applying for, and obtaining an Act of Parliament with respect to such markets, or any of such markets.

Expenses of inquiry as to markets.

18 & 19 Vict. c. 120.

13. Where a vestry or district board constituted under the Metropolis Management Act, 1855, desire, in pursuance of authority vested in them by Act of Parliament, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time during the year ending the thirty-first day of December one thousand eight hundred and eighty-three, the Board may lend to the vestry or district board, and the vestry or district board may borrow from the Board, such money as the Board think fit, and as the vestry or district board are authorised and desire to borrow, not exceeding two hundred thousand pounds; and

Power to lend to vestry, district board, corporations, burial boards, &c.

Where any corporation, body of commissioners, burial board, or other public body (not being a vestry or district board constituted under the Metropolis Management Act, 1855, a board of guardians, the Managers of the Metropolitan Asylum District, or the School Board for London), having power to levy directly or indirectly rates in respect of lands in the metropolis, as defined in the Metropolis Management Act, 1855, or to make charges on rates leviable in the metropolis as so defined, or to take within the metropolis as so defined dues or impositions in the nature of rates, desire, in pursuance of authority vested in them by Act of Parliament, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time during the year ending the thirty-first day of December, one thousand eight hundred and eighty-three, the Board may lend to the corporation, commissioners, burial board, or other public body, and they may borrow from the Board, such money as the Board think fit, and as the corporation, commissioners, burial board, or other public body are authorised and desire to borrow, not exceeding fifty thousand pounds.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the Board and the borrowers with the approval of the Treasury agree, not exceeding in the case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

14. Where a board of guardians of a union or parish wholly or for the greater part in the metropolis as defined in the Metropolis

Power to lend to board of guardians.

18 & 19 Vict. c. 120.

Management Act, 1855, desire, in pursuance of authority vested in them, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time during the year ending the thirty-first day of December, one thousand eight hundred and eighty-three, the Board may lend to the board of guardians, and the board of guardians may borrow from the Board, such money as the Board think fit, and as the board of guardians are authorised and desire to borrow, not exceeding two hundred thousand pounds.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the Board and the borrowers with the approval of the Treasury agree, not exceeding thirty years.

Extension of amount of loans to Managers of Metropolitan Asylum District.

15. The Board may from time to time during the year ending the thirty-first day of December, one thousand eight hundred and eighty-three, lend to the Managers of the Metropolitan Asylum District, in addition to the sums heretofore authorised to be lent by the Board to the said Managers, such sums as the said Managers are from time to time authorised by the Local Government Board to borrow in pursuance of the Metropolitan Poor Act, 1867, and any Acts altering or amending the same for the time being in force, not exceeding in the whole one hundred thousand pounds, as though the said sums were included in the amount authorised to be lent for such purposes by section thirty-seven of the Metropolitan Board of Works (Loans) Act, 1869, and the Acts amending the same.

30 & 31 Vict. c. 6.

32 & 33 Vict. c. 102.

Power to lend to School Board for London.

33 & 34 Vict. c. 75.

36 & 37 Vict. c. 86.

16. The Board may from time to time during the year ending the thirty-first day of December, one thousand eight hundred and eighty-three, lend to the School Board for London, in accordance with the provisions of the Elementary Education Acts, 1870 and 1873, and any Act or Acts altering or amending the same for the time being in force, such sums as the said School Board are from time to time authorised to borrow by the Education Department in pursuance of the said Acts, not exceeding in the whole the sum of five hundred thousand pounds.

The moneys so lent by the Board shall be repaid to them by the said School Board, with interest, within such period not exceeding fifty years as may be agreed upon between the Board and the said School Board with the sanction of the Education Department subject to the approval of the Treasury.

Power to raise consolidated stock.

17. In order to raise money for the several purposes for which the Board are by this Act authorised to expend or lend money, the Board may from time to time create consolidated stock. Provided always, that—

Where the Board under the authority of this Act create consolidated stock to raise money for the purpose of the Fire Brigade Act, 1865, or to enable them to make a loan repayable within thirty years from the date of such loan, the Board shall from time to time carry to the consolidated loans fund such sums as the

Treasury approve as being in their opinion sufficient to redeem within the period of thirty years from the date of the creation of such stock, or in the case of any such loan within any lesser period for which the same may be made, an amount of consolidated stock equal to that so created; and

Where the Board are by this Act authorised to make a loan repayable within thirty years from the date of the loan, the Board, instead of raising money for any such loan by the creation of consolidated stock, may use for any such loan any moneys for the time being forming part of the consolidated loans fund, and not required for the payment of the dividends on consolidated stock; and

Where the Board raise consolidated stock for the purpose of any scheme made by the Board under the authority of the Artizans and Labourers Dwellings Improvement Act, 1875, and confirmed by Provisional Order and Act of Parliament, there shall be repaid (as provided by the Artizans and Labourers Dwellings Improvement Act, 1875,) to the consolidated rate out of the local rate as defined by the said last-mentioned Act, all moneys required for payment of dividends on and the redemption of all consolidated stock created for such purpose.

Board may raise money by bills.

18. Notwithstanding anything in this Act or in any other Act relating to the Board contained, the Board, with the consent of the Treasury, may from time to time as they think fit raise any part of the moneys which they are by this Act authorised to raise, not exceeding in the whole the sum of five hundred thousand pounds, by the issue of bills under this Act.

Form and length of currency and interest on metropolitan bills.

19. A bill under this Act (in this Act referred to as a "metropolitan bill") shall be a bill in form prescribed by a regulation made in pursuance of this Act for the payment of the principal sum named therein, in the manner and at the date therein mentioned, so that the date be not less than three nor more than twelve months from the date of the bill.

Interest shall be payable in respect of a metropolitan bill at such rate and in such manner as the Board with the consent of the Treasury may direct.

Payment and applications of proceeds of metropolitan bills and charge of bills on consolidated rate.

20. All moneys raised by the issue of any metropolitan bills shall be paid to the Board and shall be expended by them for the purposes for which the same are by this Act authorised to be raised respectively. The principal money and interest expressed in any metropolitan bill to be payable shall be charged on the consolidated rate, and shall be payable out of the said rate, or as regards principal out of moneys raised by the creation of consolidated stock under this Act for the purpose for which such principal money has been expended, and as regards interest out of the consolidated loans fund.

Mode of issue of metropolitan bills.

21. With respect to the issue of metropolitan bills the following provisions shall have effect:

(1.) Metropolitan bills shall be issued under the authority of a warrant sealed by the Board and countersigned on behalf of the Treasury:

(2) Each metropolitan bill shall be for the amount directed by the Board

(3) Each metropolitan bill shall be sealed by the Board, the sealing being attested by the clerk in his own name.

Regulations to be made by the Board as to issue cancellation, &c of metropolitan bills

22. The Board may from time to time with the consent of the Treasury make, and when made rescind, alter, and add to regulations for carrying into effect the provisions of this Act with respect to metropolitan bills, and in particular—

(1) For regulating (subject to the provisions of this Act) the preparation, form, mode of issue, mode of payment, and cancellation of metropolitan bills.

(2) For regulating the issue of a new metropolitan bill in lieu of one defaced, lost, or destroyed:

(3) For preventing, by the use of counterfoils or of a special description of paper, or otherwise, fraud in relation to the metropolitan bills

(4) For the proper discharge to be given upon the payment of a metropolitan bill

Every regulation purporting to be made in pursuance of this section shall be deemed to be within the powers of this Act, and shall have effect as if it were enacted in this Act

Power to create consolidated stock partially suspended while metropolitan bills authorised to be raised

23. For the purpose of paying off the principal money of any metropolitan bills the Board may raise any sum which they are by this Act empowered to raise by the creation of consolidated stock for the purposes for which such principal money has been expended not exceeding the amount of such principal money, but save as aforesaid the powers given to the Board by this Act to raise moneys for any purposes by the creation of consolidated stock shall be suspended to the amounts and for the periods to and for which moneys are for the time being authorised by the Treasury to be raised for such purposes respectively by the issue of metropolitan bills

Application of certain provisions of 24 & 25 Vict c 98 to metropolitan bills

24. Sections eight, nine, ten, and eleven of the Act of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-eight intituled "An Act to consolidate and amend "the statute law of England and Ireland relating to indictable "offences by forgery" (which sections relate to the forgery of and other frauds relating to Exchequer bills), shall apply to the metropolitan bills, and shall have effect as if "Exchequer bill" in those sections included metropolitan bill"

Arrangement with bank as to issue, &c of metropolitan bills

25. The Board may enter into such arrangements with any bank approved by the Treasury for carrying into effect the provisions of this Act with respect to the issue of the metropolitan bills and to the payment of the principal sum named therein, and to all matters relating thereto, and for the proper remuneration of such bank with reference thereto as they may think proper and as may be approved by the Treasury

32 & 33 Vict c 102 s 38 not to extend to money raised under this Act

26. The limitation on the borrowing power of the Board contained in section thirty-eight of the Metropolitan Board of Works (Loans) Act 1869, shall not extend to moneys raised by the Board for purposes mentioned in this Act

27. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the consolidated loans fund. Repayments to be carried to consolidated loan fund

28. During the year ending the thirty-first day of December, one thousand eight hundred and eighty-three, the Board shall not (except for such temporary period not exceeding six months as the Treasury may from time to time sanction) raise otherwise than in conformity with and to the extent mentioned in this Act any money under any powers of borrowing conferred upon the Board either by this Act or any other Act whatsoever Provided always, that the limitations contained in this section shall not extend to limit or control the raising of moneys under the authority of section thirty-four of the Metropolitan Board of Works (Loans) Act, 1869, or of section eight of the Metropolitan Board of Works (Loans) Act, 1875, for the purposes in the said sections respectively mentioned. Limit to exercise of borrowing powers. 38 & 39 Vict c 65

FIRST SCHEDULE

New Money Powers conferred in this Act

Section of Act.	Purpose	Amount £	s.	d.
	Supplemental up to 31st Dec 1882			
4	Fire Brigade (amount already sanctioned, £30,000)	5,000	0	0
5	Main Drainage	5,000	0	0
6	Bridges, including Commutation of Pensions (Act of 1877)	30,000	0	0
7	Hackney Commons	1,500	0	0
		41,500	0	0
	Up to 31st December 1883			
8	Hyde Park Corner Improvements	20,000	0	0
9	Metropolitan Board of Works (Various Powers) Act, 1882	84,000	0	0
	1st Jan. to 31st Dec 1883			
10 (*a*)	Minor Improvements and Contributions to Local Improvements	100 000	0	0
(*b*)	Streets under Act of 1872	34,937	8	3
(*c*)	Parks, commons, and open spaces	15,000	0	0
(*d*)	Thames Embankments, Queen Victoria Street, Northumberland Avenue, and Sun Street	3,000	0	0
(*e*)	Bridges, including Commutation of Pensions (Act of 1877)	65,000	0	0
(*f*)	Fire Brigade	50,000	0	0
(*g*)	Road by Wormwood Scrubs	6,000	0	0
(*h*)	Streets under Act of 1877	750,000	0	0
(*i*)	Thames River Prevention of Floods	90,000	0	0
(*k*)	Bridges (Act 1881)	250,000	0	0
(*l*)	Artizans Dwellings	70,000	0	0
(*m*)	New Street, &c, under the Metropolitan and District Railways (City Lines and Extension) Act, 1879, and the Metropolitan and District Railways (City Lines and Extensions) Act, 1882	500,000	0	0
(*n*)	Brook Green (addition to)	2,000	0	0
11	Main Drainage	190,000	0	0
13	Loans to vestries and district boards	200,000	0	0
	Loans to other public bodies	50,000	0	0

Section of Act.	Purpose.				Amount.		
		£	s.	d.	£	s.	d.
14	Loans to guardians - - - - - -				200,000	0	0
15	Loans to Managers of Metropolitan Asylum District - -				100,000	0	0
16	Loans to School Board for London - - - -				500,000	0	0
					3,321,437	8	3
	AMOUNTS included above which are re-grants of borrowing power previously granted:						
	Minor Improvements - - -	38,713	9	4			
	Streets under Act of 1872 - -	34,937	8	3			
	Parks, commons, and open spaces -	5,672	5	7			
	Thames Embankments, Queen Victoria Street, Northumberland Avenue, and Sun Street - - - - -	3,000	0	0			
	Bridges, including Commutation of Pensions (Act of 1877) - - -	65,000	0	0			
	Fire Brigade - - - -	8,278	18	8			
	Streets under Act of 1877 - -	750,000	0	0			
	Thames River Prevention of Floods -	81,817	1	0			
	Bridges (Act of 1881) - - -	250,000	0	0			
	Artizans Dwellings - - -	70,000	0	0			
	Main Drainage - - - -	100,000	0	0			
	Loans to vestries and district boards -	35,200	0	0			
	Loans to other public bodies - -	50,000	0	0			
	Loans to Managers of Metropolitan Asylum District - - -	19,700	0	0			
	Loans to School Board for London -	100,000	0	0			
					1,702,319	2	10
	New borrowing powers: For Board £774,018 5 5; For Loans 845,100 0 0 - -	—			1,619,118	5	5

SECOND SCHEDULE.

PARKS AND OPEN SPACES ACTS.

PART I.

The Finsbury Park Act, 1857, 20 & 21 Vict. c. cl.
" Southwark Park Act. 1864, 27 Vict. c. iv.
" Gardens in Towns Protection Act, 1863, 26 Vict. c. 13.
" Leicester Square Act, 1874, 37 Vict. c. x.
" Metropolitan Open Spaces Act, 1877, 40 & 41 Vict. c. 35.
" Metropolitan Commons Act, 1866, 29 & 30 Vict. c. 122.
" " " " Amendment Act. 1869, 32 & 33 Vict. c. 107.
" " " " 1878, 41 & 42 Vict. c. 71.
" " " Supplemental Act, 1871 (Blackheath), 34 & 35 Vict. c. lvii.
" " " Second Supplemental Act, 1871 (Shepherd's Bush), 34 & 35 Vict. c. lxiii.
" " " " " " 1872 (Hackney Commons), 35 & 36 Vict. c. xlii.
" " " " " " 1873 (Tooting Beck Common), 36 & 37 Vict. c. lxxxvi.
" Metropolitan Board of Works, Various Powers, Act, 1875 (Tooting Graveney Common), 38 & 39 Vict. c. clxxix. sec. 14.
" Hampstead Heath Act, 1871, 34 & 35 Vict. c. lxxvii.
" Metropolitan Commons Supplemental Act, 1877 (Clapham Common and Bostall Heath), 40 & 41 Vict. c. cci.

The Plumstead Common Act, 1878, 41 & 42 Vict. c. cxlv.
„ Wormwood Scrubs Act, 1879, 42 & 43 Vict. c. clx.
„ Metropolitan Commons Supplemental Act, 1881 (Brook Green, Eel Brook Common, &c.), 44 Vict. c. xviii.
„ Metropolitan Board of Works (Hackney Commons) Act, 1881. 44 & 45 Vict. c. cxlvii.
„ Metropolitan Open Spaces Act, 1881, 44 & 45 Vict. c. 34.

PART II.

Embankment Acts.

The Thames Embankment (North) Act, 1862, 25 & 26 Vict. c. 93., 26 & 27 Vict. c. 45.
„ „ (South) Act, 1863, 26 & 27 Vict. c. 75.
„ „ Amendment Act, 1864, 27 & 28 Vict. c. cxxxv., 27 & 28 Vict. c. 61.
„ „ (North and South) Act, 1868, 31 & 32 Vict. c. cxi., 31 & 32 Vict. c. 43.
„ „ (Chelsea) Act, 1868, 31 & 32 Vict. c. cxxxv., 32 & 33 Vict. c. 134.
„ „ (North) Act, 1870, 33 & 34 Vict. c. xcii.
„ „ „ „ 1872, 35 & 36 Vict. c. lxvi.
„ „ (Land) Act, 1873, 36 & 37 Vict. c. 40.
„ „ (South) Act, 1873, 36 Vict. c. vii.
Charing Cross and Victoria Embankment Approach Act, 1873, 36 & 37 Vict. c. c.
Metropolitan Board of Works, Various Powers, Act, 1876 (Chelsea Embankment), 39 & 40 Vict. c. lxxix.

CHAPTER 34.

An Act to amend "The Beer Dealers' Retail Licences Act, 1880." [10th August 1882.]

WHEREAS by the Beer Dealers Retail Licences Act, 1880, it is provided that the licensing justices shall be at liberty to exercise their discretion respecting the grant of certificates for such additional licences for sale of beer by retail off the premises as are therein referred to, and that certificates for such additional licences shall be granted at general annual licensing meetings, and not at any other time: 43 Vict. c. 6.

And whereas it is expedient to extend the provisions of the said Act to the granting of certificates for all licences for sale of beer by retail for consumption off the premises:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of discretion as to licences for consumption of beer off the premises. 32 & 33 Vict. c. 27.

1. Notwithstanding anything in section eight of the Wine and Beerhouse Act, 1869, or in any other Act now in force, the licensing justices shall be at liberty, in their free and unqualified discretion, either to refuse a certificate for any licence for sale of beer by retail to be consumed off the premises on any grounds appearing to them sufficient, or to grant the same to such persons as they in the execution of their statutory powers and in the exercise of their discretion deem fit and proper.

Certificates at annual licensing meetings only

2. Certificates for any such licences as aforesaid shall, notwithstanding anything in any Act now in force be granted at general annual licensing meetings, and not at any other time

Short title, extent, and construction of Act 35 & 36 Vict c 94

3. This Act may be cited as the Beer Dealers' Retail Licences (Amendment) Act 1882, and shall not extend to Scotland, and words therein have the same meaning as in the Licensing Act, 1872

CHAPTER 35.

An Act to amend so much of "The Friendly Societies Act, 1875," as relates to quinquennial returns of sickness and mortality [10th August 1882]

38 & 39 Vict c 60

WHEREAS by section fourteen of the Friendly Societies Act, 1875, every registered society is required, within six months after the expiration of every five years, to send to the registrar a return to be called the quinquennial return of the sickness and mortality experienced by the societies during the said five years, and an abstract of such return is to be laid before Parliament

And whereas the returns sent in pursuance of the said section have furnished materials for the construction of tables of sickness and mortality for the guidance of friendly societies, and it is inexpedient to impose any longer on friendly societies the burden of sending the said returns

And whereas it is expedient to repeal the said requirement

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled and by the authority of the same, as follows

Short title

1. This Act may be cited as the Friendly Societies (Quinquennial Returns) Act, 1882

Repeal of 38 & 39 Vict c 60 s 14 so far as relates to the quinquennial return

2. So much of section fourteen of the Friendly Societies Act, 1875, and of Schedule Two to that Act, as relates to sending to the registrar every five years a return to be called a quinquennial return of the sickness and mortality experienced by the society, or as relates to such return, is hereby repealed

CHAPTER 36.

An Act to amend the Pauper Inmates Discharge and Regulation Act, 1871. [10th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows

Short title and construction 34 & 35 Vict c 108

1. This Act may be cited as the Casual Poor Act 1882 and shall be construed as one with the Pauper Inmates Discharge and Regulation Act 1871

Commencement of Act

2. This Act shall commence and come into operation from and immediately after the last day of December one thousand eight hundred and eighty-two

3. This Act shall not extend to Scotland or Ireland. Extent of Act.

4. Section five of the Pauper Inmates Discharge and Regulation Act, 1871, is hereby repealed, and in lieu thereof it is hereby enacted as follows: Discharge of paupers. [34 & 35 Vict. c. 108. s. 4.]

A casual pauper shall not be entitled to discharge himself from a casual ward before nine o'clock in the morning of the second day following his admission, nor before he has performed the work prescribed for him as in the said Act mentioned; and where a casual pauper has been admitted on more than one occasion during one month into any casual ward of the same union, he shall not be entitled to discharge himself before nine o'clock in the morning of the fourth day after his admission, and he may at any time during that interval be removed by any officer of the guardians, or by a police constable, to the workhouse of the union, and be required to remain in such workhouse for the remainder of the period of his detention.

Provided that in computing the number of days during which a casual pauper may be detained under this section Sunday shall not be included.

Provided also, with respect to the metropolis, as follows:

(1.) In determining the number of admissions of a casual pauper every casual ward in the metropolis shall be deemed to be a casual ward of the same union.

(2.) The expressions "workhouse of the union" in this section shall include any workhouse and any asylum provided under the Metropolitan Poor Act, 1867, for the reception and setting to work of the casual poor, to which the casual poor of the union can be sent.

5. (1.) If any person for the purpose of obtaining relief from the rates raised for the relief of the poor, for himself or for any other person, wilfully gives a false name, or makes or uses a false statement to the guardians of any union or any of their officers, he shall be deemed an idle and disorderly person within the meaning of section three of the Act of the fifth year of King George the Fourth, chapter eighty-three, "for the punishment of idle and "disorderly persons, and rogues and vagabonds, in that part of "Great Britain called England." Penalty for obtaining poor relief by false statement. [34 & 35 Vict. c. 108. s. 7. 39 & 40 Vict. c. 61. s. 44.]

CHAPTER 37.

An Act to amend the Law respecting the obtaining of Corn Returns. [10th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Corn Returns Act, 1882. Short title.

2. This Act shall not extend to Scotland or Ireland. Extent of Act.

3. This Act shall come into operation on the first day of January one thousand eight hundred and eighty-three, which day is in this Act referred to as the commencement of this Act. Commencement of Act.

Return from towns of purchases of British corn, and publication of average price. See 5 & 6 Vict. c. 14. s. 19. and Schedule. 27 & 28 Vict. c. 87.

4. Weekly returns of the purchases of British corn shall be made, under the direction of the Board of Trade, in manner provided by this Act from such towns, not less than one hundred and fifty and not more than two hundred in number, as may be from time to time fixed by Her Majesty in Council, and the average price of British corn shall be from time to time ascertained from those returns, and published by the Board of Trade in manner provided by this Act.

Weekly returns of purchases of British corn.

5. Every such buyer of corn as is herein-after mentioned in any town from which corn returns are for the time being required by this Act to be made, shall, weekly, on the last market day in the week in that town, or on such other day as may be from time to time fixed by Her Majesty in Council, make to the inspector of corn returns for that town, at the place fixed, as in this Act mentioned, a return in writing signed by him, specifying, with respect to the seven days ending on and including the day on which the return is made, the amount of every parcel of each sort of British corn bought by him in the town, whether from the producer or otherwise, and the price thereof, and the weight or measure by which the same was bought, the name of the seller, and if the same was sold or bought on account of any other person the name of that person, and if an inspector of corn returns delivers to a buyer of corn required under this Act to make returns a notice in writing requiring him to declare where and by whom and in what manner any British corn was delivered to him, such buyer shall make a return of the particulars so required in a separate statement in writing signed by him.

Buyers of corn bound to make returns of purchases of corn. See 5 & 6 Vict. c. 14. ss. 17, 18, 23, 25.

6. The following persons shall make the returns required by this Act, and are in this Act referred to as buyers of corn in a town; that is to say,

(1.) Every person who deals in British corn in such town; also

(2.) Every person who in any such town engages in or carries on the trade of a cornfactor, miller, maltster, brewer, or distiller; also

(3.) Every person who is the owner or part owner of any carriages carrying goods or passengers for hire to and from or within any such town; also

(4.) Every person who as a merchant, clerk, agent, or otherwise purchases in any such town any British corn for sale, or for the sale of meal, flour, malt, or bread made or to be made thereof.

Weekly summary of quantities and prices by inspectors to the Board of Trade.

7. Every inspector of corn returns shall record in the prescribed manner the returns made to him under this Act in any town, and in every week shall ascertain from those returns the total quantity with the total and average price of each sort of British corn returned to him in that town during that week, and shall on the next Monday, or such other day as may be prescribed, send to the Board of Trade in the prescribed manner and form a summary of such total quantities and total and average prices for the said week.

A copy of the weekly summary from any town shall, together with the prescribed details (exclusive of the names of persons), be made public there in the prescribed manner.

8. In the weekly summary of quantities and prices each sort of British corn shall be computed with reference to the imperial bushel. An inspector of corn returns shall convert into such imperial bushel all returns made to him in any other measure or by weight or by a weighed measure, and in the case of weight or weighed measure shall convert the same at the rate of sixty imperial pounds for every bushel of wheat, fifty imperial pounds for every bushel of barley, and thirty-nine imperial pounds for every bushel of oats.

Computing of corn according to the bushel. 41 & 42 Vict: c. 49.

9. The Board of Trade shall cause the average prices of each sort of British corn to be computed from the summaries sent by the inspectors of corn returns in pursuance of this Act, as follows:

Computation and publication of averages by Board of Trade.

(1.) In each week the average price during the next preceding week of each sort of British corn for the whole of the towns and for each town from which a summary is obtained, shall be computed, and shall be published in the London Gazette:

(2.) After each of the quarter days, the twenty-fifth day of March, the twenty-fourth day of June, the twenty-ninth day of September, and the twenty-fifth day of December, the average price of each sort of British corn during the quarter ending on that quarter day shall be forthwith computed and published in the London Gazette:

(3.) After the twenty-fifth day of December in every year the average price of each sort of British corn shall be computed for the year, and the seven years ending on that day, and shall be published in the London Gazette in the month of January next following:

(4.) The average price of any sort of British corn for any week shall be ascertained by adding together the total quantities of that sort of British corn appearing from the summaries of the inspectors of corn returns to have been bought during such week, and the total prices for those quantities as appearing from the said summaries, and by dividing the total prices by the total quantities as so ascertained. The quarterly or yearly average prices shall be ascertained by adding together the weekly averages of the weeks included in such quarter or year, and dividing the total by the number of weeks in such quarter or year respectively:

(5.) The septennial average price shall be ascertained by adding together the average annual prices for the seven years, and dividing the total by seven:

(6.) The annual and septennial average shall state the average for the imperial bushel.

10. The statement of the septennial average price referring to the imperial bushel published under this Act in the London Gazette shall be substituted for the advertisement referred to in such portion of the Act of the session of the sixth and seventh years of the reign of King William the Fourth, chapter seventy-one, intituled "An Act for the Commutation of Tithes in England and Wales," as is repealed by this Act, and shall be deemed for the purposes of the Acts relating to the commutation of tithes to be an advertisement of the average price published under the said Act.

Application of septennial average to Tithe Commutation Acts.

Penalty for failure to make return.
5 & 6 Vict. c. 14, s. 39.

11. Every person who fails to make to an inspector of corn returns any return which he is required by this Act to make, or to include in any such return any purchase of British corn or any material particular, shall be liable on summary conviction to a fine not exceeding twenty pounds.

Penalty for false return

12. Any person who in any return made in pursuance of this Act to an inspector of corn returns makes any false or fraudulent statement, also any person who includes or procures to be included in any such return any British corn not bonâ fide bought as specified in the return, or any corn which is not British corn, shall be guilty of a misdemeanour.

Where the Board of Trade have reason to believe that a return or any particular in a return is false in any particular, they may cause that return, or so much as relates to that particular, to be omitted in the computation of the average prices in pursuance of this Act.

Inspectors of corn returns.

13. Such officers of Inland Revenue as the Commissioners of Inland Revenue from time to time appoint shall be inspectors of corn returns.

In every town from which corn returns are required for the time being under this Act to be made, a proper place shall be fixed for the delivery of those returns, and an inspector of corn returns shall attend there to receive the returns on the days on which the returns are required to be made; and the Commissioners of Inland Revenue shall from time to time provide the said place and publicly notify it in such manner as they think sufficient for giving notice thereof to all persons interested.

Regulations as to execution of Act and supply of books, &c.

14. The Board of Trade may from time to time make, and when made revoke, vary, and add to, regulations respecting the execution of this Act and the duties of inspectors of corn returns, and such regulations shall be duly observed by all persons to whom they relate, and such regulations may refer to all the inspectors or all the towns from which returns are required, or to some one or more of them.

The Board of Trade shall supply inspectors of corn returns with proper books, forms, and documents for the performance of their duties, which shall be the property of the Board of Trade.

The regulations may provide for the inspection, by order of the Board of Trade, and under proper control, of the books and papers kept by inspectors of corn returns for the purposes of this Act.

Expenses.

15. The expenses incurred by the Commissioners of Inland Revenue or the Board of Trade in the execution of this Act shall, subject to the approval of the Lords Commissioners of Her Majesty's Treasury, be paid out of moneys provided by Parliament.

Application of Act to London.

16. This Act shall apply to the City of London and the area within five miles from the Royal Exchange in that city in like manner as it applies to a town, subject to the following modifications; that is to say,

(1.) The return shall be made on Wednesday in every week or on such other day as may be prescribed:

(2.) The buyers of corn required to make the return shall be every person who within the said city and area deals in British corn, or carries on business as a cornfactor, or who buys any British corn within the Corn Exchange in Mark Lane in the said city, or within any other building or place which is or may hereafter be used within the said city or area for the like purposes as the said Corn Exchange, and not any other person:

(3.) The inspector of corn returns, when any vacancy takes place in the office, shall be appointed by the Board of Trade, at such salary or remuneration, payable out of moneys provided by Parliament, as they may with the approval of the Commissioners of Her Majesty's Treasury from time to time determine, and the place for the delivery of the returns shall be provided and notified either by the inspector or the Board of Trade, as determined by the Board of Trade.

Recovery of fines. 42 & 43 Vict. c. 49, &c.

17. Any fine under this Act may be recovered in manner provided by the Summary Jurisdiction (England) Acts, and shall be paid into Her Majesty's Exchequer in such manner as the Lords Commissioners of Her Majesty's Treasury may direct.

Definitions.

18. In this Act, unless the context otherwise requires,—

The expression "British corn" means wheat, barley, and oats, the produce of the United Kingdom, the Channel Islands, or the Isle of Man, and any such wheat, barley, or oats is in this Act referred to as a sort of British corn:

The expression "prescribed" means prescribed by regulations of the Board of Trade under this Act for the time being in force:

The expression "person" includes a body of persons, corporate or unincorporate:

The expression "bought" means the agreement to buy, whether made by sale-note, or otherwise, and irrespective of actual delivery in pursuance thereof.

Repeal of Acts.

19. The Acts set forth in the schedule to this Act are hereby repealed as from the commencement of this Act to the extent in the third column of that schedule mentioned; provided that—

(1.) This repeal shall not affect anything duly done or suffered in pursuance of the Acts hereby repealed;

(2.) This repeal shall not affect any returns made or average of prices published before the commencement of this Act, and such returns and average prices shall be dealt with in like manner as if they had been made and published in pursuance of this Act;

(3.) This repeal shall not affect the persons who at the commencement of this Act hold the offices of inspectors of corn returns mentioned in sections twelve, fourteen, and twenty-two of the first Act mentioned in the said schedule, and those persons, while they continue to hold office, shall be inspectors of corn returns under this Act; and the above-mentioned sections, and also sections thirteen, thirty-six, thirty-seven, and thirty-eight of the said Act, shall continue in force so far as regards the persons aforesaid respectively.

SCHEDULE.

REPEAL OF ACTS.

Session and Chapter.	Title.	Extent of Repeal.
5 & 6 Vict. c. 14.	An Act to amend the laws for the importation of corn.	The whole Act.
27 & 28 Vict. c. 87.	An Act to amend the law relating to publication of accounts of corn imported, and to returns of purchases and sales of corn.	The whole Act.
6 & 7 Will. 4. c. 71	An Act for the Commutation of Tithes in England and Wales.	Section fifty-six.

CHAPTER 38.

An Act for facilitating Sales, Leases, and other dispositions of Settled Land, and for promoting the execution of Improvements thereon. [10th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PRELIMINARY.

I.—PRELIMINARY.

Short title; commencement; extent.

1.—(1.) This Act may be cited as the Settled Land Act, 1882.

(2.) This Act, except where it is otherwise expressed, shall commence and take effect from and immediately after the thirty-first day of December one thousand eight hundred and eighty-two, which time is in this Act referred to as the commencement of this Act.

(3.) This Act does not extend to Scotland.

DEFINITIONS.

II.—DEFINITIONS.

Definition of settlement, tenant for life, &c.

2.—(1.) Any deed, will, agreement for a settlement, or other agreement, covenant to surrender, copy of court roll, Act of Parliament, or other instrument, or any number of instruments, whether made or passed before or after, or partly before and partly after, the commencement of this Act, under or by virtue of which instrument or instruments any land, or any estate or interest in land, stands for the time being limited to or in trust for any persons by way of succession, creates or is for purposes of this Act a settlement, and is in this Act referred to as a settlement, or as the settlement, as the case requires.

(2.) An estate or interest in remainder or reversion not disposed of by a settlement, and reverting to the settlor or descending to the testator's heir, is for purposes of this Act an estate or interest coming to the settlor or heir under or by virtue of the settlement, and comprised in the subject of the settlement.

DEFINITIONS.

(3.) Land, and any estate or interest therein, which is the subject of a settlement, is for purposes of this Act settled land, and is, in relation to the settlement, referred to in this Act as the settled land.

(4.) The determination of the question whether land is settled land, for purposes of this Act, or not, is governed by the state of facts, and the limitations of the settlement, at the time of the settlement taking effect.

(5.) The person who is for the time being, under a settlement, beneficially entitled to possession of settled land, for his life, is for purposes of this Act the tenant for life of that land, and the tenant for life under that settlement.

(6.) If, in any case, there are two or more persons so entitled as tenants in common, or as joint tenants, or for other concurrent estates or interests, they together constitute the tenant for life for purposes of this Act.

(7.) A person being tenant for life within the foregoing definitions shall be deemed to be such notwithstanding that, under the settlement or otherwise, the settled land, or his estate or interest therein, is incumbered or charged in any manner or to any extent.

(8.) The persons, if any, who are for the time being, under a settlement, trustees with power of sale of settled land, or with power of consent to or approval of the exercise of such a power of sale, or if under a settlement there are no such trustees, then the persons, if any, for the time being, who are by the settlement declared to be trustees thereof for purposes of this Act, are for purposes of this Act trustees of the settlement.

(9.) Capital money arising under this Act, and receivable for the trusts and purposes of the settlement, is in this Act referred to as capital money arising under this Act.

(10.) In this Act—

(i.) Land includes incorporeal hereditaments, also an undivided share in land; income includes rents and profits; and possession includes receipt of income:

(ii.) Rent includes yearly or other rent, and toll, duty, royalty, or other reservation, by the acre, or the ton, or otherwise; and, in relation to rent, payment includes delivery; and fine includes premium or fore-gift, and any payment, consideration, or benefit in the nature of a fine, premium, or fore-gift:

(iii.) Building purposes include the erecting and the improving of, and the adding to, and the repairing of buildings; and a building lease is a lease for any building purposes or purposes connected therewith:

(iv.) Mines and minerals mean mines and minerals whether already opened or in work, or not, and include all minerals and substances in, on, or under the land, obtainable by underground or by surface working; and mining purposes include the sinking and searching for, winning, working, getting, making merchantable, smelting or otherwise converting or working for the purposes of any manufacture, carrying away, and disposing of mines and minerals, in or under the settled land, or any other land, and the erection of buildings, and the

DEFINITIONS.

execution of engineering and other works, suitable for those purposes; and a mining lease is a lease for any mining purposes or purposes connected therewith, and includes a grant or licence for any mining purposes:

(v.) Manor includes lordship, and reputed manor or lordship:

(vi.) Steward includes deputy steward, or other proper officer, of a manor:

(vii.) Will includes codicil, and other testamentary instrument, and a writing in the nature of a will:

(viii.) Securities include stocks, funds, and shares:

(ix.) Her Majesty's High Court of Justice is referred to as the Court:

(x.) The Land Commissioners for England as constituted by this Act are referred to as the Land Commissioners:

(xi.) Person includes corporation.

SALE; ENFRANCHISEMENT; EXCHANGE; PARTITION.

III.—SALE; ENFRANCHISEMENT; EXCHANGE; PARTITION.

General Powers and Regulations.

General Powers and Regulations.

Powers to tenant for life to sell, &c.

3. A tenant for life—

(i.) May sell the settled land, or any part thereof, or any easement, right, or privilege of any kind, over or in relation to the same; and

(ii.) Where the settlement comprises a manor,—may sell the seignory of any freehold land within the manor, or the freehold and inheritance of any copyhold or customary land, parcel of the manor, with or without any exception or reservation of all or any mines or minerals, or of any rights or powers relative to mining purposes, so as in every such case to effect an enfranchisement; and

(iii.) May make an exchange of the settled land, or any part thereof, for other land, including an exchange in consideration of money paid for equality of exchange; and

(iv.) Where the settlement comprises an undivided share in land, or, under the settlement, the settled land has come to be held in undivided shares,—may concur in making partition of the entirety, including a partition in consideration of money paid for equality of partition.

Regulations respecting sale, enfranchisement, exchange, and partition.

4.—(1.) Every sale shall be made at the best price that can reasonably be obtained.

(2.) Every exchange and every partition shall be made for the best consideration in land or in land and money that can reasonably be obtained.

(3.) A sale may be made in one lot or in several lots, and either by auction or by private contract.

(4.) On a sale the tenant for life may fix reserve biddings and buy in at an auction.

(5.) A sale, exchange, or partition may be made subject to any stipulations respecting title, or evidence of title, or other things.

(6.) On a sale, exchange, or partition any restriction or reservation with respect to building on or other user of land, or with respect to mines and minerals, or with respect to or for the purpose of the more beneficial working thereof, or with respect to

any other thing, may be imposed or reserved and made binding, as far as the law permits, by covenant, condition, or otherwise, on the tenant for life and the settled land or any part thereof, or on the other party and any land sold or given in exchange or on partition to him

SALE, EN FRANCHISEMENT EXCHANGE, PARTITION

General Powers and Regulations

(7) An enfranchisement may be made with or without a regrant of any right of common or other right, easement, or privilege theretofore appendant or appurtenant to or held or enjoyed with the land enfranchised, or reputed so to be

(8) Settled land in England shall not be given in exchange for land out of England

Special Powers

Special Powers

Transfer of incumbrances on land sold, &c

5. Where on a sale, exchange or partition there is an incumbrance affecting land sold or given in exchange or on partition, the tenant for life, with the consent of the incumbrancer, may charge that incumbrance on any other part of the settled land, whether already charged therewith or not, in exoneration of the part sold or so given, and, by conveyance of the fee simple, or other estate or interest the subject of the settlement, or by creation of a term of years in the settled land, or otherwise, make provision accordingly

IV.—LEASES

LEASES

General Powers and Regulations

General Powers and Regulations

Power for tenant for life to lease for ordinary or building or mining purposes

6. A tenant for life may lease the settled land, or any part thereof, or any easement, right, or privilege of any kind, over or in relation to the same, for any purpose whatever, whether involving waste or not, for any term not exceeding—

(i) In case of a building lease, ninety-nine years

(ii) In case of a mining lease sixty years

(iii) In case of any other lease, twenty-one years.

Regulations respecting leases generally

7.—(1) Every lease shall be by deed, and be made to take effect in possession not later than twelve months after its date

(2) Every lease shall reserve the best rent that can reasonably be obtained, regard being had to any fine taken and to any money laid out or to be laid out for the benefit of the settled land, and generally to the circumstances of the case

(3) Every lease shall contain a covenant by the lessee for payment of the rent, and a condition of re-entry on the rent not being paid within a time therein specified not exceeding thirty days.

(4) A counterpart of every lease shall be executed by the lessee and delivered to the tenant for life, of which execution and delivery the execution of the lease by the tenant for life shall be sufficient evidence

(5) A statement contained in a lease or in an indorsement thereon, signed by the tenant for life, respecting any matter of fact or of calculation under this Act in relation to the lease, shall, in favour of the lessee and of those claiming under him, be sufficient evidence of the matter stated

Building and Mining Leases

Building and Mining Leases

Regulations respecting building leases

8.—(1) Every building lease shall be made partly in consideration of the lessee or some person by whose direction the lease is

LEASES

Building and Mining Leases.

granted, or some other person, having erected, or agreeing to erect, buildings, new or additional, or having improved or repaired, or agreeing to improve or repair, buildings, or having executed, or agreeing to execute, on the land leased, an improvement authorized by this Act, for or in connexion with building purposes.

(2.) A peppercorn rent or a nominal or other rent less than the rent ultimately payable, may be made payable for the first five years or any less part of the term.

(3.) Where the land is contracted to be leased in lots, the entire amount of rent to be ultimately payable may be apportioned among the lots in any manner; save that—

(i.) The annual rent reserved by any lease shall not be less than ten shillings; and

(ii.) The total amount of the rents reserved on all leases for the time being granted shall not be less than the total amount of the rents which, in order that the leases may be in conformity with this Act, ought to be reserved in respect of the whole land for the time being leased; and

(iii.) The rent reserved by any lease shall not exceed one-fifth part of the full annual value of the land comprised in that lease with the buildings thereon when completed

Regulations respecting mining leases.

9.—(1) In a mining lease—

(i.) The rent may be made to be ascertainable by or to vary according to the acreage worked, or by or according to the quantities of any mineral or substance gotten, made merchantable, converted, carried away, or disposed of, in or from the settled land, or any other land, or by or according to any facilities given in that behalf; and

(ii.) A fixed or minimum rent may be made payable, with or without power for the lessee, in case the rent, according to acreage or quantity, in any specified period does not produce an amount equal to the fixed or minimum rent, to make up the deficiency in any subsequent specified period, free of rent other than the fixed or minimum rent.

(2.) A lease may be made partly in consideration of the lessee having executed, or his agreeing to execute, on the land leased, an improvement authorized by this Act, for or in connexion with mining purposes.

Variation of building or mining lease according to circumstances of district.

10.—(1.) Where it is shewn to the Court with respect to the district in which any settled land is situate, either—

(i.) That it is the custom for land therein to be leased or granted for building or mining purposes for a longer term or on other conditions than the term or conditions specified in that behalf in this Act, or in perpetuity; or

(ii.) That it is difficult to make leases or grants for building or mining purposes of land therein, except for a longer term or on other conditions than the term and conditions specified in that behalf in this Act, or except in perpetuity;

the Court may, if it thinks fit, authorize generally the tenant for life to make from time to time leases or grants of or affecting the settled land in that district, or parts thereof, for any term or in perpetuity, at fee-farm or other rents, secured by condition of re-entry, or otherwise, as in the order of the Court expressed, or may, if it

thinks fit, authorize the tenant for life to make any such lease or grant in any particular case

LEASES.

Building and Mining Leases

(2) Thereupon the tenant for life and, subject to any direction in the order of the Court to the contrary, each of his successors in title being a tenant for life, or having the powers of a tenant for life under this Act, may make in any case, or in the particular case a lease or grant of or affecting the settled land, or part thereof, in conformity with the order

Part of mining rent to be set aside

11. Under a mining lease whether the mines or minerals leased are already opened or in work or not, unless a contrary intention is expressed in the settlement, there shall be from time to time set aside, as capital money arising under this Act, part of the rent as follows, namely,—where the tenant for life is impeachable for waste in respect of minerals, three fourth parts of the rent, and otherwise one fourth part thereof, and in every such case the residue of the rent shall go as rents and profits

Special Powers

Special Powers

Leasing powers for special objects

12. The leasing power of a tenant for life extends to the making of—

(i) A lease for giving effect to a contract entered into by any of his predecessors in title for making a lease, which if made by the predecessor would have been binding on the successors in title, and

(ii) A lease for giving effect to a covenant or renewal, performance whereof could be enforced against the owner for the time being of the settled land, and

(iii) A lease for confirming, as far as may be, a previous lease, being void or voidable, but so that every lease, as and when confirmed, shall be such a lease as might at the date of the original lease have been lawfully granted, under this Act, or otherwise, as the case may require.

Surrenders

Surrenders

Surrender and new grant of leases

13.—(1) A tenant for life may accept, with or without consideration, a surrender of any lease of settled land, whether made under this Act or not in respect of the whole land leased, or any part thereof, with or without an exception of all or any of the mines and minerals therein, or in respect of mines and minerals, or any of them.

(2) On a surrender of a lease in respect of part only of the land or mines and minerals leased the rent may be apportioned

(3) On a surrender, the tenant for life may make of the land or mines and minerals surrendered, or of any part thereof a new or other lease, or new or other leases in lots

(4) A new or other lease may comprise additional land or mines and minerals, and may reserve any apportioned or other rent

(5) On a surrender, and the making of a new or other lease, whether for the same or for any extended or other term and whether or not subject to the same or to any other covenants, provisions, or conditions, the value of the lessee's interest in the lease surrendered may be taken into account in the determination of the amount of the rent to be reserved, and of any fine to be

Leases.

Surrenders.

taken, and of the nature of the covenants, provisions, and conditions to be inserted in the new or other lease.

(6.) Every new or other lease shall be in conformity with this Act.

Copyholds.

Power to grant to copyholders licences for leasing.

Copyholds.

14.—(1.) A tenant for life may grant to a tenant of copyhold or customary land, parcel of a manor comprised in the settlement, a licence to make any such lease of that land, or of a specified part thereof, as the tenant for life is by this Act empowered to make of freehold land.

(2.) The licence may fix the annual value whereon fines, fees, or other customary payments are to be assessed, or the amount of those fines, fees, or payments.

(3.) The licence shall be entered on the court rolls of the manor, of which entry a certificate in writing of the steward shall be sufficient evidence.

Sales, Leases, and other Dispositions.

Mansion and Park.

Restriction as to mansion house, park, &c.

V.—Sales, Leases, and other Dispositions.

Mansion and Park.

15. Notwithstanding anything in this Act, the principal mansion house on any settled land, and the demesnes thereof, and other lands usually occupied therewith, shall not be sold or leased by the tenant for life, without the consent of the trustees of the settlement, or an order of the Court.

Streets and open Spaces.

Dedication for streets, open spaces, &c.

Streets and open Spaces.

16. On or in connexion with a sale or grant for building purposes, or a building lease, the tenant for life, for the general benefit of the residents on the settled land, or on any part thereof,—

(i.) May cause or require any parts of the settled land to be appropriated and laid out for streets, roads, paths, squares, gardens, or other open spaces, for the use, gratuitously or on payment, of the public or of individuals, with sewers, drains, watercourses, fencing, paving, or other works necessary or proper in connexion therewith; and

(ii.) May provide that the parts so appropriated shall be conveyed to or vested in the trustees of the settlement, or other trustees, or any company or public body, on trusts or subject to provisions for securing the continued appropriation thereof to the purposes aforesaid, and the continued repair or maintenance of streets and other places and works aforesaid, with or without provision for appointment of new trustees when required; and

(iii.) May execute any general or other deed necessary or proper for giving effect to the provisions of this section (which deed may be inrolled in the Central Office of the Supreme Court of Judicature), and thereby declare the mode, terms, and conditions of the appropriation, and the manner in which and the persons by whom the benefit thereof is to be enjoyed, and the nature and extent of the privileges and conveniences granted.

SALES, LEASES AND OTHER DISPOSITIONS

Surface and Minerals apart

Separate dealing with surface and minerals, with or without way-leaves, &c

Surface and Minerals apart

17.—(1) A sale, exchange, partition, or mining lease, may be made either of land, with or without an exception or reservation of all or any of the mines and minerals therein, or of any mines and minerals, and in any such case with or without a grant or reservation of powers of working, wayleaves or rights of way, rights of water and drainage, and other powers, easements, rights, and privileges for or incident to or connected with mining purposes, in relation to the settled land, or any part thereof, or any other land

(2) An exchange or partition may be made subject to and in consideration of the reservation of an undivided share in mines or minerals

Mortgage

Mortgage for equality money, &c

Mortgage

18. Where money is required for enfranchisement, or for equality of exchange or partition, the tenant for life may raise the same on mortgage of the settled land or of any part thereof by conveyance of the fee simple, or other estate or interest the subject of the settlement or by creation of a term of years in the settled land or otherwise, and the money raised shall be capital money arising under this Act

Undivided Share

Concurrence in exercise of powers as to undivided share

Undivided Share

19. Where the settled land comprises an undivided share in land or, under the settlement, the settled land has come to be held in undivided shares, the tenant for life of an undivided share may join or concur, in any manner and to any extent necessary or proper for any purpose of this Act, with any person entitled to or having power or right of disposition of or over another undivided share

Conveyance

Completion of sale lease, &c, by conveyance

Conveyance

20.—(1) On a sale, exchange, partition lease mortgage, or charge the tenant for life may as regards land sold given in exchange or on partition, leased, mortgaged or charged, or intended so to be, including copyhold or customary or leasehold land vested in trustees or as regards easements or other rights or privileges sold or leased, or intended so to be, convey or create the same by deed for the estate or interest the subject of the settlement, or for any less estate or interest, to the uses and in the manner requisite for giving effect to the sale, exchange, partition, lease, mortgage, or charge

(2) Such a deed, to the extent and in the manner to and in which it is expressed or intended to operate and can operate under this Act, is effectual to pass the land conveyed, or the easements, rights, or privileges created discharged from all the limitations powers, and provisions of the settlement, and from all estates, interests, and charges subsisting or to arise thereunder but subject to and with the exception of—

(i) All estates, interests and charges having priority to the settlement, and

(ii) All such other, if any, estates, interests, and charges as have been conveyed or created for securing money actually raised at the date of the deed, and

SALES, LEASES, AND OTHER DISPOSITIONS.

Conveyance.

(iii.) All leases and grants at fee-farm rents or otherwise, and all grants of easements, rights of common, or other rights or privileges granted or made for value in money or money's worth, or agreed so to be, before the date of the deed, by the tenant for life, or by any of his predecessors in title, or by any trustees for him or them, under the settlement, or under any statutory power, or being otherwise binding on the successors in title of the tenant for life.

(3.) In case of a deed relating to copyhold or customary land, it is sufficient that the deed be entered on the court rolls of the manor, and the steward is hereby required on production to him of the deed to make the proper entry; and on that production, and on payment of customary fines, fees, and other dues or payments, any person whose title under the deed requires to be perfected by admittance shall be admitted accordingly; but if the steward so requires, there shall also be produced to him so much of the settlement as may be necessary to shew the title of the person executing the deed; and the same may, if the steward thinks fit, be also entered on the court rolls.

INVESTMENT OR OTHER APPLICATION OF CAPITAL TRUST MONEY.

Capital money under Act; investment, &c. by trustees or Court.

VI.—INVESTMENT OR OTHER APPLICATION OF CAPITAL TRUST MONEY.

21. Capital money arising under this Act, subject to payment of claims properly payable thereout, and to application thereof for any special authorized object for which the same was raised, shall, when received, be invested or otherwise applied wholly in one, or partly in one and partly in another or others, of the following modes (namely):

(i.) In investment on Government securities, or on other securities on which the trustees of the settlement are by the settlement or by law authorized to invest trust money of the settlement, or on the security of the bonds, mortgages, or debentures, or in the purchase of the debenture stock, of any railway company in Great Britain or Ireland incorporated by special Act of Parliament, and having for ten years next before the date of investment paid a dividend on its ordinary stock or shares, with power to vary the investment into or for any other such securities:

(ii.) In discharge, purchase, or redemption of incumbrances affecting the inheritance of the settled land, or other the whole estate the subject of the settlement, or of land-tax, rentcharge in lieu of tithe, Crown rent, chief rent, or quit rent, charged on or payable out of the settled land:

(iii.) In payment for any improvement authorized by this Act:

(iv.) In payment for equality of exchange or partition of settled land:

(v.) In purchase of the seignory of any part of the settled land, being freehold land, or in purchase of the fee simple of any part of the settled land, being copyhold or customary land:

(vi.) In purchase of the reversion or freehold in fee of any part of the settled land, being leasehold land held for years, or life, or years determinable on life:

INVESTMENT OR OTHER APPLICATION OF CAPITAL TRUST MONEY.

(vii.) In purchase of land in fee simple, or of copyhold or customary land, or of leasehold land held for sixty years or more unexpired at the time of purchase, subject or not to any exception or reservation of or in respect of mines or minerals therein, or of or in respect of rights or powers relative to the working of mines or minerals therein, or in other land:

(viii.) In purchase, either in fee simple, or for a term of sixty years or more, of mines and minerals convenient to be held or worked with the settled land, or of any easement, right, or privilege convenient to be held with the settled land for mining or other purposes:

(ix.) In payment to any person becoming absolutely entitled or empowered to give an absolute discharge:

(x.) In payment of costs, charges, and expenses of or incidental to the exercise of any of the powers, or the execution of any of the provisions, of this Act:

(xi.) In any other mode in which money produced by the exercise of a power of sale in the settlement is applicable thereunder.

Regulations respecting investment, devolution, and income of securities, &c.

22.—(1.) Capital money arising under this Act shall, in order to its being invested or applied as aforesaid, be paid either to the trustees of the settlement or into Court, at the option of the tenant for life, and shall be invested or applied by the trustees, or under the direction of the Court, as the case may be, accordingly.

(2.) The investment or other application by the trustees shall be made according to the direction of the tenant for life, and in default thereof, according to the discretion of the trustees, but in the last-mentioned case subject to any consent required or direction given by the settlement with respect to the investment or other application by the trustees of trust money of the settlement; and any investment shall be in the names or under the control of the trustees.

(3.) The investment or other application under the direction of the Court shall be made on the application of the tenant for life, or of the trustees.

(4.) Any investment or other application shall not during the life of the tenant for life be altered without his consent.

(5.) Capital money arising under this Act while remaining uninvested or unapplied, and securities on which an investment of any such capital money is made, shall, for all purposes of disposition, transmission, and devolution, be considered as land, and the same shall be held for and go to the same persons successively, in the same manner and for and on the same estates, interests, and trusts, as the land wherefrom the money arises would, if not disposed of, have been held and have gone under the settlement.

(6.) The income of those securities shall be paid or applied as the income of that land, if not disposed of, would have been payable or applicable under the settlement.

(7.) Those securities may be converted into money, which shall be capital money arising under this Act.

Investment in land in England.

23. Capital money arising under this Act from settled land in England shall not be applied in the purchase of land out of England, unless the settlement expressly authorizes the same.

INVESTMENT OR OTHER APPLICATION OF CAPITAL TRUST MONEY.

Settlement of land purchased, taken in exchange, &c.

24.—(1.) Land acquired by purchase or in exchange, or on partition, shall be made subject to the settlement in manner directed in this section.

(2.) Freehold land shall be conveyed to the uses, on the trusts, and subject to the powers and provisions which, under the settlement, or by reason of the exercise of any power of charging therein contained, are subsisting with respect to the settled land, or as near thereto as circumstances permit, but not so as to increase or multiply charges or powers of charging.

(3.) Copyhold, customary, or leasehold land shall be conveyed to and vested in the trustees of the settlement on trusts and subject to powers and provisions corresponding, as nearly as the law and circumstances permit, with the uses, trusts, powers, and provisions to on and subject to which freehold land is to be conveyed as aforesaid; so nevertheless that the beneficial interest in land held by lease for years shall not vest absolutely in a person who is by the settlement made by purchase tenant in tail, or in tail male, or in tail female, and who dies under the age of twenty-one years, but shall, on the death of that person under that age, go as freehold land conveyed as aforesaid would go.

(4.) Land acquired as aforesaid may be made a substituted security for any charge in respect of money actually raised, and remaining unpaid, from which the settled land, or any part thereof, or any undivided share therein, has theretofore been released on the occasion and in order to the completion of a sale, exchange, or partition.

(5.) Where a charge does not affect the whole of the settled land, then the land acquired shall not be subjected thereto, unless the land is acquired either by purchase with money arising from sale of land which was before the sale subject to the charge, or by an exchange or partition of land which, or an undivided share wherein, was before the exchange or partition subject to the charge.

(6.) On land being so acquired, any person who, by the direction of the tenant for life, so conveys the land as to subject it to any charge, is not concerned to inquire whether or not it is proper that the land should be subjected to the charge.

(7.) The provisions of this section referring to land extend and apply, as far as may be, to mines and minerals, and to easements, rights, and privileges over and in relation to land.

IMPROVEMENTS.

VII.—IMPROVEMENTS.

Improvements with Capital Trust Money.

Improvements with Capital Trust Money.

Description of improvements authorized by Act.

25. Improvements authorized by this Act are the making or execution on, or in connexion with, and for the benefit of settled land, of any of the following works, or of any works for any of the following purposes, and any operation incident to or necessary or proper in the execution of any of those works, or necessary or proper for carrying into effect any of those purposes, or for securing the full benefit of any of those works or purposes (namely):

(i.) Drainage, including the straightening, widening, or deepening of drains, streams, and watercourses:

(ii.) Irrigation; warping:

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Improvements with Capital Trust Money

(iii) Drains, pipes, and machinery for supply and distribution of sewage as manure
(iv) Embanking or warping from a river or lake, or from the sea, or a tidal water
(v) Groynes, sea walls, defences against water
(vi) Inclosing, straightening of fences, re division of fields
(vii) Reclamation, dry warping
(viii) Farm roads, private roads, roads or streets in villages or towns
(ix) Clearing, trenching, planting
(x) Cottages for labourers farm-servants, and artisans employed on the settled land or not
(xi) Farmhouses, offices and out-buildings and other buildings for farm purposes
(xii) Saw-mills scutch-mills, and other mills, water-wheels, engine-houses, and kilns, which will increase the value of the settled land for agricultural purposes or as woodland or otherwise
(xiii) Reservoirs, tanks, conduits, watercourses, pipes wells ponds, shafts, dams, weirs, sluices, and other works and machinery for supply and distribution of water for agricultural manufacturing, or other purposes, or for domestic or other consumption
(xiv) Tramways, railways, canals, docks
(xv) Jetties, piers, and landing places on rivers, lakes, the sea, or tidal waters, for facilitating transport of persons and of agricultural stock and produce, and of manure and other things required for agricultural purposes, and of minerals and of things required for mining purposes
(xvi) Markets and market places
(xvii) Streets roads, paths squares, gardens, or other open spaces for the use, gratuitously or on payment, of the public or of individuals, or for dedication to the public, the same being necessary or proper in connexion with the conversion of land into building land
(xviii) Sewers drains, watercourses, pipe-making fencing paving, brick-making, tile-making, and other works necessary or proper in connexion with any of the objects aforesaid
(xix) Trial pits for mines, and other preliminary works necessary or proper in connexion with development of mines
(xx) Reconstruction, enlargement, or improvement of any of those works

Approval by Land Commissioners of scheme for improvement and payment thereon

26.—(1) Where the tenant for life is desirous that capital money arising under this Act shall be applied in or towards payment for an improvement authorized by this Act, he may submit for approval to the trustees of the settlement, or to the Court, as the case may require, a scheme for the execution of the improvement, showing the proposed expenditure thereon

(2) Where the capital money to be expended is in the hands of trustees, then, after a scheme is approved by them, the trustees may apply that money in or towards payment for the whole or part of any work or operation comprised in the improvement, on—

IMPROVEMENTS.

Improvements with Capital Trust Money.

(i.) A certificate of the Land Commissioners certifying that the work or operation, or some specified part thereof, has been properly executed, and what amount is properly payable by the trustees in respect thereof, which certificate shall be conclusive in favour of the trustees as an authority and discharge for any payment made by them in pursuance thereof; or on

(ii.) A like certificate of a competent engineer or able practical surveyor nominated by the trustees and approved by the Commissioners, or by the Court, which certificate shall be conclusive as aforesaid; or on

(iii.) An order of the Court directing or authorizing the trustees to so apply a specified portion of the capital money.

(3.) Where the capital money to be expended is in Court, then, after a scheme is approved by the Court, the Court may, if it thinks fit, on a report or certificate of the Commissioners, or of a competent engineer or able practical surveyor, approved by the Court, or on such other evidence as the Court thinks sufficient, make such order and give such directions as it thinks fit for the application of that money, or any part thereof, in or towards payment for the whole or part of any work or operation comprised in the improvement.

Concurrence in improvements.

27. The tenant for life may join or concur with any other person interested in executing any improvement authorized by this Act, or in contributing to the cost thereof.

Obligation on tenant for life and successors to maintain, insure, &c.

28.—(1.) The tenant for life, and each of his successors in title having under the settlement, a limited estate or interest only in the settled land, shall, during such period, if any, as the Land Commissioners by certificate in any case prescribe, maintain and repair, at his own expense, every improvement executed under the foregoing provisions of this Act, and where a building or work in its nature insurable against damage by fire is comprised in the improvement, shall insure and keep insured the same, at his own expense, in such amount, if any, as the Commissioners by certificate in any case prescribe.

(2.) The tenant for life, or any of his successors as aforesaid, shall not cut down or knowingly permit to be cut down, except in proper thinning, any trees planted as an improvement under the foregoing provisions of this Act.

(3.) The tenant for life, and each of his successors as aforesaid, shall from time to time, if required by the Commissioners, on or without the suggestion of any person having, under the settlement, any estate or interest in the settled land in possession, remainder, or otherwise, report to the Commissioners the state of every improvement executed under this Act, and the fact and particulars of fire insurance, if any.

(4.) The Commissioners may vary any certificate made by them under this section, in such manner or to such extent as circumstances appear to them to require, but not so as to increase the liabilities of the tenant for life, or any of his successors as aforesaid.

(5.) If the tenant for life, or any of his successors as aforesaid, fails in any respect to comply with the requisitions of this section, or does any act in contravention thereof, any person having, under the settlement, any estate or interest in the settled land in posses-

sion, remainder, or reversion, shall have a right of action, in respect of that default or act, against the tenant for life; and the estate of the tenant for life, after his death, shall be liable to make good to the persons entitled under the settlement any damages occasioned by that default or act.

IMPROVEMENTS.

Execution and Repair of Improvements.

Execution and Repair of Improvements.

Protection as regards waste in execution and repair of improvements

29. The tenant for life, and each of his successors in title having, under the settlement, a limited estate or interest only in the settled land, and all persons employed by or under contract with the tenant for life, or any such successor, may from time to time enter on the settled land, and, without impeachment of waste by any remainderman or reversioner, thereon execute any improvement authorized by this Act, or inspect, maintain, and repair the same, and, for the purposes thereof, on the settled land, do, make, and use all acts, works, and conveniences proper for the execution, maintenance, repair, and use thereof, and get and work freestone, limestone, clay, sand, and other substances, and make tramways and other ways, and burn and make bricks, tiles, and other things, and cut down and use timber and other trees not planted or left standing for shelter or ornament.

Improvement of Land Act, 1864.

Improvement of Land Act, 1864.

Extension of 27 & 28 Vict. c. 114. s. 9.

30. The enumeration of improvements contained in section nine of the Improvement of Land Act, 1864, is hereby extended so as to comprise, subject and according to the provisions of that Act, but only as regards applications made to the Land Commissioners after the commencement of this Act, all improvements authorized by this Act.

VIII.—CONTRACTS.

CONTRACTS.

Power for tenant for life to enter into contracts.

31.—(1.) A tenant for life—

(i.) May contract to make any sale, exchange, partition, mortgage, or charge; and

(ii.) May vary or rescind, with or without consideration, the contract, in the like cases and manner in which, if he were absolute owner of the settled land, he might lawfully vary or rescind the same, but so that the contract as varied be in conformity with this Act; and any such consideration, if paid in money, shall be capital money arising under this Act; and

(iii.) May contract to make any lease; and in making the lease may vary the terms, with or without consideration, but so that the lease be in conformity with this Act; and

(iv.) May accept a surrender of a contract for a lease, in like manner and on the like terms in and on which he might accept a surrender of a lease; and thereupon may make a new or other contract, or new or other contracts, for or relative to a lease or leases, in like manner and on the like terms in and on which he might make a new or other lease, or new or other leases, where a lease had been granted; and

(v.) May enter into a contract for or relating to the execution of any improvement authorized by this Act, and may vary or rescind the same; and

CONTRACTS.

(vi.) May, in any other case, enter into a contract to do any act for carrying into effect any of the purposes of this Act, and may vary or rescind the same.

(2.) Every contract shall be binding on and shall enure for the benefit of the settled land, and shall be enforceable against and by every successor in title for the time being of the tenant for life, and may be carried into effect by any such successor; but so that it may be varied or rescinded by any such successor, in the like case and manner, if any, as if it had been made by himself.

(3.) The Court may, on the application of the tenant for life, or of any such successor, or of any person interested in any contract, give directions respecting the enforcing, carrying into effect, varying, or rescinding thereof.

(4.) Any preliminary contract under this Act for or relating to a lease shall not form part of the title or evidence of the title of any person to the lease, or to the benefit thereof.

MISCELLANEOUS PROVISIONS.

IX.—MISCELLANEOUS PROVISIONS.

Application of money in Court under Lands Clauses and other Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 40 & 41 Vict. c. 18.

32. Where, under an Act incorporating or applying, wholly or in part, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, or under the Settled Estates Act, 1877, or under any other Act, public, local, personal, or private, money is at the commencement of this Act in Court, or is afterwards paid into Court, and is liable to be laid out in the purchase of land to be made subject to a settlement, then, in addition to any mode of dealing therewith authorized by the Act under which the money is in Court, that money may be invested or applied as capital money arising under this Act, on the like terms, if any, respecting costs and other things, as nearly as circumstances admit, and (notwithstanding anything in this Act) according to the same procedure, as if the modes of investment or application authorized by this Act were authorized by the Act under which the money is in Court.

Application of money in hands of trustees under powers of settlement.

33. Where, under a settlement, money is in the hands of trustees, and is liable to be laid out in the purchase of land to be made subject to the settlement, then, in addition to such powers of dealing therewith as the trustees have independently of this Act, they may, at the option of the tenant for life, invest or apply the same as capital money arising under this Act.

Application of money paid for lease or reversion.

34. Where capital money arising under this Act is purchase money paid in respect of a lease for years, or life, or years determinable on life, or in respect of any other estate or interest in land less than the fee simple, or in respect of a reversion dependent on any such lease, estate, or interest, the trustees of the settlement or the Court, as the case may be, and in the case of the Court on the application of any party interested in that money, may, notwithstanding anything in this Act, require and cause the same to be laid out, invested, accumulated, and paid in such manner as, in the judgment of the trustees or of the Court, as the case may be, will give to the parties interested in that money the like benefit therefrom as they might lawfully have had from the lease, estate, interest, or reversion in respect whereof the money was paid, or as near thereto as may be.

MISCELLANEOUS PROVISIONS.

Cutting and sale of timber, and part of proceeds to be set aside.

35.—(1.) Where a tenant for life is impeachable for waste in respect of timber, and there is on the settled land timber ripe and fit for cutting, the tenant for life, on obtaining the consent of the trustees of the settlement or an order of the Court, may cut and sell that timber, or any part thereof.

(2.) Three fourth parts of the net proceeds of the sale shall be set aside as and be capital money arising under this Act, and the other fourth part shall go as rents and profits.

Proceedings for protection or recovery of land settled or claimed as settled.

36. The Court may, if it thinks fit, approve of any action, defence, petition to Parliament, parliamentary opposition, or other proceeding taken or proposed to be taken for protection of settled land, or of any action or proceeding taken or proposed to be taken for recovery of land being or alleged to be subject to a settlement, and may direct that any costs, charges, or expenses incurred or to be incurred in relation thereto, or any part thereof, be paid out of property subject to the settlement.

Heirlooms.

37.—(1.) Where personal chattels are settled on trust so as to devolve with land until a tenant in tail by purchase is born or attains the age of twenty-one years, or so as otherwise to vest in some person becoming entitled to an estate of freehold of inheritance in the land, a tenant for life of the land may sell the chattels or any of them.

(2.) The money arising by the sale shall be capital money arising under this Act, and shall be paid, invested, or applied and otherwise dealt with in like manner in all respects as by this Act directed with respect to other capital money arising under this Act, or may be invested in the purchase of other chattels, of the same or any other nature, which, when purchased, shall be settled and held on the same trusts, and shall devolve in the same manner as the chattels sold.

(3.) A sale or purchase of chattels under this section shall not be made without an order of the Court.

TRUSTEES.

X.—TRUSTEES.

Appointment of trustees by Court.

38.—(1.) If at any time there are no trustees of a settlement within the definition in this Act, or where in any other case it is expedient, for purposes of this Act, that new trustees of a settlement be appointed, the Court may, if it thinks fit, on the application of the tenant for life or of any other person having, under the settlement, an estate or interest in the settled land, in possession, remainder, or otherwise, or, in the case of an infant, of his testamentary or other guardian, or next friend, appoint fit persons to be trustees under the settlement for purposes of this Act.

(2.) The persons so appointed, and the survivors and survivor of them, while continuing to be trustees or trustee, and, until the appointment of new trustees, the personal representatives or representative for the time being of the last surviving or continuing trustee, shall for purposes of this Act become and be the trustees or trustee of the settlement.

Number of trustees to act.

39.—(1.) Notwithstanding anything in this Act, capital money arising under this Act shall not be paid to fewer than two persons as trustees of a settlement, unless the settlement authorizes the receipt of capital trust money of the settlement by one trustee.

TRUSTEES

(2) Subject thereto, the provisions of this Act referring to the trustees of a settlement apply to the surviving or continuing trustees or trustee of the settlement for the time being

Trustees receipts

40. The receipt in writing of the trustees of a settlement, or where one trustee is empowered to act, of one trustee, or of the personal representatives or representative of the last surviving or continuing trustee, for any money or securities, paid or transferred to the trustees, trustee, representatives, or representative, as the case may be, effectually discharges the payer or transferor therefrom and from being bound to see to the application or being answerable for any loss or misapplication thereof, and, in case of a mortgagee or other person advancing money, from being concerned to see that any money advanced by him is wanted for any purpose of this Act, or that no more than is wanted is raised

Protection of each trustee individually

41. Each person who is for the time being trustee of a settlement is answerable for what he actually receives only notwithstanding his signing any receipt for conformity, and in respect of his own acts, receipts, and defaults only, and is not answerable in respect of those of any other trustee, or of any banker, broker, or other person, or for the insufficiency or deficiency of any securities, or for any loss not happening through his own wilful default

Protection of trustees generally

42. The trustees of a settlement, or any of them, are not liable for giving any consent, or for not making, bringing, taking, or doing any such application, action, proceeding, or thing, as they might make, bring, take, or do; and in case of purchase of land with capital money arising under this Act, or of an exchange, partition or lease, are not liable for adopting any contract made by the tenant for life, or bound to inquire as to the propriety of the purchase, exchange, partition, or lease, or answerable as regards any price, consideration, or fine, and are not liable to see to or answerable for the investigation of the title, or answerable for a conveyance of land, if the conveyance purports to convey the land in the proper mode, or liable in respect of purchase-money paid by them by direction of the tenant for life to any person joining in the conveyance as a conveying party, or as giving a receipt for the purchase-money, or in any other character, or in respect of any other money paid by them by direction of the tenant for life on the purchase, exchange, partition, or lease

Trustees reimbursement

43. The trustees of a settlement may reimburse themselves or pay and discharge out of the trust property all expenses properly incurred by them

Reference of differences to Court

44. If at any time a difference arises between a tenant for life and the trustees of the settlement, respecting the exercise of any of the powers of this Act, or respecting any matter relating thereto the Court may, on the application of either party, give such directions respecting the matter in difference, and respecting the costs of the application, as the Court thinks fit

Notice to trustees

45.—(1) A tenant for life, when intending to make a sale, exchange, partition, lease, mortgage, or charge, shall give notice of his intention in that behalf to each of the trustees of the settlement by posting registered letters, containing the notice, addressed to the trustees, severally, each at his usual or last known place of abode in the United Kingdom, and shall give like notice

to the solicitor for the trustees, if any such solicitor is known to the tenant for life, by posting a registered letter, containing the notice, addressed to the solicitor at his place of business in the United Kingdom, every letter under this section being posted not less than one month before the making by the tenant for life of the sale, exchange, partition, lease, mortgage, or charge, or of a contract for the same.

TRUSTEES.

(2.) Provided that at the date of notice given the number of trustees shall not be less than two, unless a contrary intention is expressed in the settlement.

(3.) A person dealing in good faith with the tenant for life is not concerned to inquire respecting the giving of any such notice as is required by this section.

XI.—COURT; LAND COMMISSIONERS; PROCEDURE.

COURT; LAND COMMISSIONERS; PROCEDURE.

Regulations respecting payments into Court, applications, &c.

46.—(1.) All matters within the jurisdiction of the Court under this Act shall, subject to the Acts regulating the Court, be assigned to the Chancery Division of the Court.

(2.) Payment of money into Court effectually exonerates therefrom the person making the payment.

(3.) Every application to the Court shall be by petition, or by summons at Chambers.

(4.) On an application by the trustees of a settlement notice shall be served in the first instance on the tenant for life.

(5.) On any application notice shall be served on such persons, if any, as the Court thinks fit.

(6.) The Court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges, or expenses of all or any of the parties to any application, and may, if it thinks fit, order that all or any of those costs, charges, or expenses be paid out of property subject to the settlement.

(7.) General Rules for purposes of this Act shall be deemed Rules of Court within section seventeen of the Appellate Jurisdiction Act, 1876, as altered by section nineteen of the Supreme Court of Judicature Act, 1881, and may be made accordingly.

39 & 40 Vict. c. 59.
44 & 45 Vict. c. 68.

(8.) The powers of the Court may, as regards land in the County Palatine of Lancaster, be exercised also by the Court of Chancery of the County Palatine; and Rules for regulating proceedings in that Court shall be from time to time made by the Chancellor of the Duchy of Lancaster, with the advice and consent of a Judge of the High Court acting in the Chancery Division, and of the Vice-Chancellor of the County Palatine.

(9.) General Rules, and Rules for the Court of Chancery of the County Palatine, may be made at any time after the passing of this Act, to take effect on or after the commencement of this Act.

(10.) The powers of the Court may, as regards land not exceeding in capital value five hundred pounds, or in annual rateable value thirty pounds, and, as regards capital money arising under this Act, and securities in which the same is invested, not exceeding in amount or value five hundred pounds, and as regards personal chattels settled or to be settled, as in this Act mentioned, not exceeding in value five hundred pounds, be exercised by any County Court within the district whereof is situate any part of the

COURT; LAND COMMISSIONERS; PROCEDURE.

land which is to be dealt with in the Court, or from which the capital money to be dealt with in the Court arises under this Act, or in connexion with which the personal chattels to be dealt with in the Court are settled.

Payment of costs out of settled property.

47. Where the Court directs that any costs, charges, or expenses be paid out of property subject to a settlement, the same shall, subject and according to the directions of the Court, be raised and paid out of capital money arising under this Act, or other money liable to be laid out in the purchase of land to be made subject to the settlement, or out of investments representing such money, or out of income of any such money or investments, or out of any accumulations of income of land, money, or investments, or by means of a sale of part of the settled land in respect whereof the costs, charges, or expenses are incurred, or of other settled land comprised in the same settlement and subject to the same limitations, or by means of a mortgage of the settled land or any part thereof, to be made by such person as the Court directs, and either by conveyance of the fee simple or other estate or interest the subject of the settlement, or by creation of a term, or otherwise, or by means of a charge on the settled land or any part thereof, or partly in one of those modes and partly in another or others, or in any such other mode as the Court thinks fit.

Constitution of Land Commissioners; their powers, &c.

48.—(1.) The commissioners now bearing the three several styles of the Inclosure Commissioners for England and Wales, and the Copyhold Commissioners, and the Tithe Commissioners for England and Wales, shall, by virtue of this Act, become and shall be styled the Land Commissioners for England.

(2.) The Land Commissioners shall cause one seal to be made with their style as given by this Act; and in the execution and discharge of any power or duty under any Act relating to the three several bodies of commissioners aforesaid, they shall adopt and use the seal and style of the Land Commissioners for England, and no other.

(3.) Nothing in the foregoing provisions of this section shall be construed as altering in any respect the powers, authorities, or duties of the Land Commissioners, or as affecting in respect of appointment, salary, pension, or otherwise any of those commissioners, in office at the passing of this Act, or any assistant commissioner, secretary, or other officer or person then in office or employed under them.

(4.) All Acts of Parliament, judgments, decrees, or orders of any court, awards, deeds, and other documents, passed or made before the commencement of this Act, shall be read and have effect as if the Land Commissioners were therein mentioned instead of one or more of the three several bodies of commissioners aforesaid.

(5.) All acts, matters, and things commenced by or under the authority of any one or more of the three several bodies of commissioners aforesaid before the commencement of this Act, and not then completed, shall and may be carried on and completed by or under the authority of the Land Commissioners; and the Land Commissioners, for the purpose of prosecuting, or defending, and carrying on any action, suit, or proceeding pending at the commencement of this Act, shall come into the place of any one or

more, as the case may require, of the three several bodies of commissioners aforesaid.

COURT; LAND COMMISSIONERS; PROCEDURE.

(6.) The Land Commissioners shall, by virtue of this Act, have, for the purposes of any Act, public, local, personal, or private, passed or to be passed, making provision for the execution of improvements on settled land, all such powers and authorities as they have for the purposes of the Improvement of Land Act, 1864; and the provisions of the last-mentioned Act relating to their proceedings and inquiries, and to authentication of instruments, and to declarations, statements, notices, applications, forms, security for expenses, inspections, and examinations, shall extend and apply, as far as the nature and circumstances of the case admit, to acts and proceedings done or taken by or in relation to the Land Commissioners under any Act making provision as last aforesaid; and the provisions of any Act relating to fees or to security for costs to be taken in respect of the business transacted under the Acts administered by the three several bodies of commissioners aforesaid shall extend and apply to the business transacted by or under the direction of the Land Commissioners under any Act, public, local, personal, or private, passed or to be passed, by which any power or duty is conferred or imposed on them.

27 & 28 Vict. c. 114.

Filing of certificates, &c. of Commissioners.

49.—(1.) Every certificate and report approved and made by the Land Commissioners under this Act shall be filed in their office.

(2.) An office copy of any certificate or report so filed shall be delivered out of their office to any person requiring the same, on payment of the proper fee, and shall be sufficient evidence of the certificate or report whereof it purports to be a copy.

XII.—RESTRICTIONS, SAVINGS, AND GENERAL PROVISIONS.

RESTRICTIONS, SAVINGS, AND GENERAL PROVISIONS.

Powers not assignable; contract not to exercise powers void.

50.—(1.) The powers under this Act of a tenant for life are not capable of assignment or release, and do not pass to a person as being, by operation of law or otherwise, an assignee of a tenant for life, and remain exerciseable by the tenant for life after and notwithstanding any assignment, by operation of law or otherwise, of his estate or interest under the settlement.

(2.) A contract by a tenant for life not to exercise any of his powers under this Act is void.

(3.) But this section shall operate without prejudice to the rights of any person being an assignee for value of the estate or interest of the tenant for life; and in that case the assignee's rights shall not be affected without his consent, except that, unless the assignee is actually in possession of the settled land or part thereof, his consent shall not be requisite for the making of leases thereof by the tenant for life, provided the leases are made at the best rent that can reasonably be obtained, without fine, and in other respects are in conformity with this Act.

(4.) This section extends to assignments made or coming into operation before or after and to acts done before or after the commencement of this Act; and in this section assignment includes assignment by way of mortgage, and any partial or qualified assignment, and any charge or incumbrance; and assignee has a meaning corresponding with that of assignment.

RESTRICTIONS, SAVINGS, AND GENERAL PROVISIONS.

Prohibition or limitation against exercise of powers, void.

51.—(1.) If in a settlement, will, assurance, or other instrument executed or made before or after, or partly before and partly after, the commencement of this Act a provision is inserted purporting or attempting, by way of direction, declaration, or otherwise, to forbid a tenant for life to exercise any power under this Act, or attempting, or tending, or intended, by a limitation, gift, or disposition over of settled land, or by a limitation, gift, or disposition of other real or any personal property, or by the imposition of any condition, or by forfeiture, or in any other manner whatever, to prohibit or prevent him from exercising, or to induce him to abstain from exercising, or to put him into a position inconsistent with his exercising, any power under this Act, that provision, as far as it purports, or attempts, or tends, or is intended to have, or would or might have, the operation aforesaid, shall be deemed to be void.

(2.) For the purposes of this section an estate or interest limited to continue so long only as a person abstains from exercising any power shall be and take effect as an estate or interest to continue for the period for which it would continue if that person were to abstain from exercising the power, discharged from liability to determination or cesser by or on his exercising the same.

Provision against forfeiture.

52. Notwithstanding anything in a settlement, the exercise by the tenant for life of any power under this Act shall not occasion a forfeiture.

Tenant for life trustee for all parties interested.

53. A tenant for life shall, in exercising any power under this Act, have regard to the interests of all parties entitled under the settlement, and shall, in relation to the exercise thereof by him, be deemed to be in the position and to have the duties and liabilities of a trustee for those parties.

General protection of purchasers, &c.

54. On a sale, exchange, partition, lease, mortgage, or charge, a purchaser, lessee, mortgagee, or other person dealing in good faith with a tenant for life shall, as against all parties entitled under the settlement, be conclusively taken to have given the best price, consideration, or rent, as the case may require, that could reasonably be obtained by the tenant for life, and to have complied with all the requisitions of this Act.

Exercise of powers; limitation of provisions, &c.

55.—(1.) Powers and authorities conferred by this Act on a tenant for life or trustees or the Court or the Land Commissioners are exerciseable from time to time.

(2.) Where a power of sale, enfranchisement, exchange, partition, leasing, mortgaging, charging, or other power is exercised by a tenant for life, or by the trustees of a settlement, he and they may respectively execute, make, and do all deeds, instruments, and things necessary or proper in that behalf.

(3.) Where any provision in this Act refers to sale, purchase, exchange, partition, leasing, or other dealing, or to any power, consent, payment, receipt, deed, assurance, contract, expenses, act, or transaction, the same shall be construed to extend only (unless it is otherwise expressed) to sales, purchases, exchanges, partitions, leasings, dealings, powers, consents, payments, receipts, deeds, assurances, contracts, expenses, acts, and transactions under this Act.

Saving for other powers.

56.—(1.) Nothing in this Act shall take away, abridge, or prejudicially affect any power for the time being subsisting under a

settlement, or by statute or otherwise, exerciseable by a tenant for life, or by trustees with his consent, or on his request, or by his direction, or otherwise, and the powers given by this Act are cumulative

RESTRICTIONS, SAVINGS, AND GENERAL PROVISIONS

(2) But, in case of conflict between the provisions of a settlement and the provisions of this Act, relative to any matter in respect whereof the tenant for life exercises or contracts or intends to exercise any power under this Act, the provisions of this Act shall prevail, and, accordingly, notwithstanding anything in the settlement, the consent of the tenant for life shall, by virtue of this Act, be necessary to the exercise by the trustees of the settlement or other person of any power conferred by the settlement exerciseable for any purpose provided for in this Act

(3) If a question arises, or a doubt is entertained, respecting any matter within this section, the Court may, on the application of the trustees of the settlement, or of the tenant for life, or of any other person interested, give its decision, opinion, advice, or direction thereon

Additional or larger powers by settlement

57.—(1) Nothing in this Act shall preclude a settlor from conferring on the tenant for life, or the trustees of the settlement, any powers additional to or larger than those conferred by this Act

(2.) Any additional or larger powers so conferred shall, as far as may be, notwithstanding anything in this Act, operate and be exerciseable in the like manner, and with all the like incidents, effects, and consequences, as if they were conferred by this Act, unless a contrary intention is expressed in the settlement

XIII.—LIMITED OWNERS GENERALLY

LIMITED OWNERS GENERALLY

Enumeration of other limited owners, to have powers of tenant for life

58.—(1) Each person as follows shall, when the estate or interest of each of them is in possession, have the powers of a tenant for life under this Act, as if each of them were a tenant for life as defined in this Act (namely)

(i) A tenant in tail, including a tenant in tail who is by Act of Parliament restrained from barring or defeating his estate tail, and although the reversion is in the Crown and so that the exercise by him of his powers under this Act shall bind the Crown, but not including such a tenant in tail where the land in respect whereof he is so restrained was purchased with money provided by Parliament in consideration of public services

(ii.) A tenant in fee simple, with an executory limitation gift, or disposition over, on failure of his issue, or in any other event:

(iii) A person entitled to a base fee, although the reversion is in the Crown, and so that the exercise by him of his powers under this Act shall bind the Crown

(iv) A tenant for years determinable on life, not holding merely under a lease at a rent

(v) A tenant for the life of another, not holding merely under a lease at a rent

(vi) A tenant for his own or any other life, or for years determinable on life, whose estate is liable to cease in any event

LIMITED OWNERS GENERALLY.

during that life, whether by expiration of the estate, or by conditional limitation, or otherwise, or to be defeated by an executory limitation, gift, or disposition over, or is subject to a trust for accumulation of income for payment of debts or other purpose:

(vii.) A tenant in tail after possibility of issue extinct:

(viii.) A tenant by the curtesy:

(ix.) A person entitled to the income of land under a trust or direction for payment thereof to him during his own or any other life, whether subject to expenses of management or not, or until sale of the land, or until forfeiture of his interest therein on bankruptcy or other event.

(2.) In every such case, the provisions of this Act referring to a tenant for life, either as conferring powers on him or otherwise, and to a settlement, and to settled land, shall extend to each of the persons aforesaid, and to the instrument under which his estate or interest arises, and to the land therein comprised.

(3.) In any such case any reference in this Act to death as regards a tenant for life shall, where necessary, be deemed to refer to the determination by death or otherwise of such estate or interest as last aforesaid.

INFANTS; MARRIED WOMEN; LUNATICS.

XIV.—INFANTS; MARRIED WOMEN; LUNATICS.

Infant absolutely entitled to be as tenant for life.

59. Where a person, who is in his own right seised of or entitled in possession to land, is an infant, then for purposes of this Act the land is settled land, and the infant shall be deemed tenant for life thereof.

Tenant for life, infant.

60. Where a tenant for life, or a person having the powers of a tenant for life under this Act, is an infant, or an infant would, if he were of full age, be a tenant for life, or have the powers of a tenant for life under this Act, the powers of a tenant for life under this Act may be exercised on his behalf by the trustees of the settlement, and if there are none, then by such person and in such manner as the Court, on the application of a testamentary or other guardian or next friend of the infant, either generally or in a particular instance, orders.

Married woman, how to be affected.

61.—(1.) The foregoing provisions of this Act do not apply in the case of a married woman.

(2.) Where a married woman who, if she had not been a married woman, would have been a tenant for life or would have had the powers of a tenant for life under the foregoing provisions of this Act, is entitled for her separate use, or is entitled under any statute, passed or to be passed, for her separate property, or as a feme sole, then she, without her husband, shall have the powers of a tenant for life under this Act.

(3.) Where she is entitled otherwise than as aforesaid, then she and her husband together shall have the powers of a tenant for life under this Act.

(4.) The provisions of this Act referring to a tenant for life and a settlement and settled land shall extend to the married woman without her husband, or to her and her husband together, as the case may require, and to the instrument under which her estate or interest arises, and to the land therein comprised.

(5.) The married woman may execute, make, and do all deeds, instruments, and things necessary or proper for giving effect to the provisions of this section.

INFANTS; MARRIED WOMEN; LUNATICS.

(6.) A restraint on anticipation in the settlement shall not prevent the exercise by her of any power under this Act.

Tenant for life, lunatic.

62. Where a tenant for life, or a person having the powers of a tenant for life under this Act, is a lunatic, so found by inquisition, the committee of his estate may, in his name and on his behalf, under an order of the Lord Chancellor, or other person intrusted by virtue of the Queen's Sign Manual with the care and commitment of the custody of the persons and estates of lunatics, exercise the powers of a tenant for life under this Act; and the order may be made on the petition of any person interested in the settled land, or of the committee of the estate.

XV.—SETTLEMENT BY WAY OF TRUSTS FOR SALE.

SETTLEMENT BY WAY OF TRUSTS FOR SALE.

Provision for case of trust to sell and re-invest in land.

63.—(1.) Any land, or any estate or interest in land, which under or by virtue of any deed, will, or agreement, covenant to surrender, copy of court roll, Act of Parliament, or other instrument or any number of instruments, whether made or passed before or after, or partly before and partly after, the commencement of this Act, is subject to a trust or direction for sale of that land, estate, or interest, and for the application or disposal of the money to arise from the sale, or the income of that money, or the income of the land until sale, or any part of that money or income, for the benefit of any person for his life, or any other limited period, or for the benefit of two or more persons concurrently for any limited period, and whether absolutely, or subject to a trust for accumulation of income for payment of debts or other purpose, or to any other restriction, shall be deemed to be settled land, and the instrument or instruments under which the trust arises shall be deemed to be a settlement; and the person for the time being beneficially entitled to the income of the land, estate, or interest aforesaid until sale, whether absolutely or subject as aforesaid, shall be deemed to be tenant for life thereof; or if two or more persons are so entitled concurrently, then those persons shall be deemed to constitute together the tenant for life thereof; and the persons, if any, who are for the time being under the settlement trustees for sale of the settled land, or having power of consent to, or approval of, or control over the sale, or if under the settlement there are no such trustees, then the persons, if any, for the time being, who are by the settlement declared to be trustees thereof for purposes of this Act are for purposes of this Act trustees of the settlement.

(2.) In every such case the provisions of this Act referring to a tenant for life, and to a settlement, and to settled land, shall extend to the person or persons aforesaid, and to the instrument or instruments under which his or their estate or interest arises, and to the land therein comprised, subject and except as in this section provided (that is to say):

(i.) Any reference in this Act to the predecessors or successors in title of the tenant for life, or to the remaindermen, or reversioners or other persons interested in the settled land, shall be

Settlement by way of Trusts for Sale.

deemed to refer to the persons interested in succession or otherwise in the money to arise from sale of the land, or the income of that money, or the income of the land, until sale (as the case may require).

(ii.) Capital money arising under this Act from the settled land shall not be applied in the purchase of land unless such application is authorized by the settlement in the case of capital money arising thereunder from sales or other dispositions of the settled land, but may, in addition to any other mode of application authorized by this Act, be applied in any mode in which capital money arising under the settlement from any such sale or other disposition is applicable thereunder, subject to any consent required or direction given by the settlement with respect to the application of trust money of the settlement.

(iii.) Capital money arising under this Act from the settled land and the securities in which the same is invested, shall not for any purpose of disposition, transmission, or devolution, be considered as land unless the same would, if arising under the settlement from a sale or disposition of the settled land, have been so considered, and the same shall be held in trust for and shall go to the same persons successively in the same manner, and for and on the same estates, interests, and trusts as the same would have gone and been held if arising under the settlement from a sale or disposition of the settled land, and the income of such capital money and securities shall be paid or applied accordingly.

(iv.) Land of whatever tenure acquired under this Act by purchase, or in exchange, or on partition, shall be conveyed to and vested in the trustees of the settlement, on the trusts, and subject to the powers and provisions which, under the settlement or by reason of the exercise of any power of appointment or charging therein contained, are subsisting with respect to the settled land, or would be so subsisting if the same had not been sold, or as near thereto as circumstances permit, but so as not to increase or multiply charges or powers of charging.

Repeals.

XVI.—Repeals.

Repeal of enactments in schedule.

64.—(1.) The enactments described in the schedule to this Act are hereby repealed.

(2.) The repeal by this Act of any enactment shall not affect any right accrued or obligation incurred thereunder before the commencement of this Act; nor shall the same affect the validity or invalidity, or any operation, effect, or consequence, of any instrument executed or made, or of anything done or suffered, or of any order made, before the commencement of this Act; nor shall the same affect any action, proceeding, or thing then pending or uncompleted; and every such action, proceeding, and thing may be carried on and completed as if there had been no such repeal in this Act.

Ireland.

XVII.—Ireland.

Modifications respecting Ireland.

65.—(1.) In the application of this Act to Ireland the foregoing provisions shall be modified as in this section provided.

(2.) The Court shall be Her Majesty's High Court of Justice in Ireland.

IRELAND.

(3.) All matters within the jurisdiction of that Court shall, subject to the Acts regulating that Court, be assigned to the Chancery Division of that Court; but General Rules under this Act for Ireland may direct that those matters or any of them be assigned to the Land Judges of that Division.

(4.) Any deed inrolled under this Act shall be inrolled in the Record and Writ Office of that Division.

(5.) General Rules for purposes of this Act for Ireland shall be deemed Rules of Court within the Supreme Court of Judicature Act (Ireland), 1877, and may be made accordingly, at any time after the passing of this Act, to take effect on or after the commencement of this Act. 40 & 41 Vict. c. 57.

(6.) The several Civil Bill Courts in Ireland shall, in addition to the jurisdiction possessed by them independently of this Act, have and exercise the power and authority exerciseable by the Court under this Act, in all proceedings where the property, the subject of the proceedings, does not exceed in capital value five hundred pounds, or in annual value thirty pounds.

(7.) The provisions of Part II. of the County Officers and Courts (Ireland) Act, 1877, relative to the equitable jurisdiction of the Civil Bill Courts, shall apply to the jurisdiction exerciseable by those Courts under this Act. 40 & 41 Vict. c. 56.

(8.) Rules and Orders for purposes of this Act, as far as it relates to the Civil Bill Courts, may be made at any time after the passing of this Act, to take effect on or after the commencement of this Act, in manner prescribed by section seventy-nine of the County Officers and Courts (Ireland) Act, 1877.

(9.) The Commissioners of Public Works in Ireland shall be substituted for the Land Commissioners.

(10.) The term for which a lease other than a building or mining lease may be granted shall be not exceeding thirty-five years.

The SCHEDULE.

REPEALS. Section 64.

23 & 24 Vict. c. 145. in part	An Act to give to trustees, mortgagees, and others, certain powers now commonly inserted in settlements, mortgages, and wills - - - in part; namely,—
	Parts I. and IV.
	(being so much of the Act as is not repealed by the Conveyancing and Law of Property Act, 1881).
27 & 28 Vict. c. 114. in part.	The Improvement of Land Act, 1864 - - in part; namely,—
	Sections seventeen and eighteen:
	Section twenty-one, from "either by a party" to "benefice) or" (inclusive); and from "or if the land owner" to "minor or minors" (inclusive); and "or circumstance" (twice):
	Except as regards Scotland.
40 & 41 Vict. c. 18. in part.	The Settled Estates Act, 1877 - in part; namely,—
	Section seventeen.

CHAPTER 39.

An Act for further improving the Practice of Conveyancing; and for other purposes. [10th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Preliminary.

Short titles; commencement; extent; interpretation. 44 & 45 Vict. c. 41.

1.—(1.) This Act may be cited as the Conveyancing Act, 1882; and the Conveyancing and Law of Property Act, 1881 (in this Act referred to as the Conveyancing Act of 1881) and this Act may be cited together as the Conveyancing Acts, 1881, 1882.

(2.) This Act, except where it is otherwise expressed, shall commence and take effect from and immediately after the thirty-first day of December one thousand eight hundred and eighty-two, which time is in this Act referred to as the commencement of this Act.

(3.) This Act does not extend to Scotland.

(4.) In this Act and in the Schedule thereto—

(i.) Property includes real and personal property, and any debt, and any thing in action, and any other right or interest in the nature of property, whether in possession or not;

(ii.) Purchaser includes a lessee or mortgagee, or an intending purchaser, lessee, or mortgagee, or other person, who, for valuable consideration, takes or deals for property, and purchase has a meaning corresponding with that of purchaser;

3 & 4 Will. 4. c. 74.

4 & 5 Will. 4. c. 92.

(iii.) The Act of the session of the third and fourth years of King William the Fourth (chapter seventy-four) "for the abolition "of Fines and Recoveries, and for the substitution of more "simple modes of Assurance" is referred to as the Fines and Recoveries Act; and the Act of the session of the fourth and fifth years of King William the Fourth (chapter ninety-two) "for the abolition of Fines and Recoveries, and for the sub-"stitution of more simple modes of Assurance in Ireland" is referred to as the Fines and Recoveries (Ireland) Act.

Searches.

Searches.

Official negative and other certificates of searches for judgments, crown debts, &c.

2.—(1.) Where any person requires, for purposes of this section, search to be made in the Central Office of the Supreme Court of Judicature for entries of judgments, deeds, or other matters or documents, whereof entries are required or allowed to be made in that office by any Act described in Part I. of the First Schedule to the Conveyancing Act of 1881, or by any other Act, he may deliver in the office a requisition in that behalf, referring to this section.

(2.) Thereupon the proper officer shall diligently make the search required, and shall make and file in the office a certificate setting forth the result thereof; and office copies of that certificate shall be issued on requisition, and an office copy shall be evidence of the certificate.

Searches.

(3.) In favour of a purchaser, as against persons interested under or in respect of judgments, deeds, or other matters or documents, whereof entries are required or allowed as aforesaid, the certificate, according to the tenour thereof, shall be conclusive, affirmatively or negatively, as the case may be.

(4.) Every requisition under this section shall be in writing, signed by the person making the same, specifying the name against which he desires search to be made, or in relation to which he requires an office copy certificate of result of search, and other sufficient particulars; and the person making any such requisition shall not be entitled to a search, or an office copy certificate, until he has satisfied the proper officer that the same is required for the purposes of this section.

(5.) General Rules shall be made for purposes of this section, prescribing forms and contents of requisitions and certificates, and regulating the practice of the office, and prescribing, with the concurrence of the Commissioners of Her Majesty's Treasury, the fees to be taken therein; which Rules shall be deemed Rules of Court within section seventeen of the Appellate Jurisdiction Act, 1876, as altered by section nineteen of the Supreme Court of Judicature Act, 1881, and may be made, at any time after the passing of this Act, to take effect on or after the commencement of this Act.

39 & 40 Vict. c. 59.
44 & 45 Vict. c. 68.

(6.) If any officer, clerk, or person employed in the office commits, or is party or privy to, any act of fraud or collusion, or is wilfully negligent, in the making of or otherwise in relation to any certificate or office copy under this section, he shall be guilty of a misdemeanour.

(7.) Nothing in this section or in any Rule made thereunder shall take away, abridge, or prejudicially affect any right which any person may have independently of this section to make any search in the office; and every such search may be made as if this section or any such Rule had not been enacted or made.

(8.) Where a solicitor obtains an office copy certificate of result of search under this section, he shall not be answerable in respect of any loss that may arise from error in the certificate.

(9.) Where the solicitor is acting for trustees, executors, agents, or other persons in a fiduciary position, those persons also shall not be so answerable.

(10.) Where such persons obtain such an office copy without a solicitor, they shall also be protected in like manner.

(11.) Nothing in this section applies to deeds inrolled under the Fines and Recoveries Act, or under any other Act, or under any statutory Rule.

3 & 4 Will. 4. c. 74.

(12.) This section does not extend to Ireland.

Notice.

Notice.

Restriction on constructive notice.

3.—(1.) A purchaser shall not be prejudicially affected by notice of any instrument, fact, or thing unless—

(i.) It is within his own knowledge, or would have come to his knowledge if such inquiries and inspections had been made as ought reasonably to have been made by him; or

(ii.) In the same transaction with respect to which a question of notice to the purchaser arises, it has come to the knowledge

Notice.

of his counsel, as such, or of his solicitor, or other agent, as such, or would have come to the knowledge of his solicitor, or other agent, as such, if such inquiries and inspections had been made as ought reasonably to have been made by the solicitor or other agent.

(2.) This section shall not exempt a purchaser from any liability under, or any obligation to perform or observe, any covenant, condition, provision, or restriction contained in any instrument under which his title is derived, mediately or immediately; and such liability or obligation may be enforced in the same manner and to the same extent as if this section had not been enacted.

(3.) A purchaser shall not by reason of anything in this section be affected by notice in any case where he would not have been so affected if this section had not been enacted.

(4.) This section applies to purchases made either before or after the commencement of this Act; save that, where an action is pending at the commencement of this Act, the rights of the parties shall not be affected by this section.

Leases.

Contract for lease not part of title to lease.

Leases.

4.—(1.) Where a lease is made under a power contained in a settlement, will, Act of Parliament, or other instrument, any preliminary contract for or relating to the lease shall not, for the purpose of the deduction of title to an intended assign, form part of the title, or evidence of the title, to the lease.

(2.) This section applies to leases made either before or after the commencement of this Act.

Separate Trustees.

Appointment of separate sets of trustees.

Separate Trustees.

5.—(1.) On an appointment of new trustees, a separate set of trustees may be appointed for any part of the trust property held on trusts distinct from those relating to any other part or parts of the trust property; or, if only one trustee was originally appointed, then one separate trustee may be so appointed for the first-mentioned part.

(2.) This section applies to trusts created either before or after the commencement of this Act.

Powers.

Disclaimer of power by trustees.

Powers.

6.—(1.) A person to whom any power, whether coupled with an interest or not, is given, may, by deed, disclaim the power; and, after disclaimer, shall not be capable of exercising or joining in the exercise of the power.

(2.) On such disclaimer, the power may be exercised by the other or others, or the survivors or survivor of the others, of the persons to whom the power is given, unless the contrary is expressed in the instrument creating the power.

(3.) This section applies to powers created by instruments coming into operation either before or after the commencement of this Act.

Married Women.

Married Women.

Acknowledgment of deeds by married women.

7.—(1.) In section seventy-nine of the Fines and Recoveries Act, and section seventy of the Fines and Recoveries (Ireland) Act, there shall, by virtue of this Act, be substituted for the words "two of the perpetual commissioners, or two special commissioners," the words "one of the perpetual commissioners, or one special commissioner;" and in section eighty-three of the Fines and Recoveries Act, and section seventy-four of the Fines and Recoveries (Ireland) Act, there shall, by virtue of this Act, be substituted for the word "persons" the word "person," and for the word "commissioners" the words "a commissioner;" and all other provisions of those Acts, and all other enactments having reference in any manner to the sections aforesaid, shall be read and have effect accordingly.

(2.) Where the memorandum of acknowledgment by a married woman of a deed purports to be signed by a person authorised to take the acknowledgment, the deed shall, as regards the execution thereof by the married woman, take effect at the time of acknowledgment, and shall be conclusively taken to have been duly acknowledged.

(3.) A deed acknowledged before or after the commencement of this Act by a married woman, before a judge of the High Court of Justice in England or Ireland, or before a judge of a county court in England, or before a chairman in Ireland, or before a perpetual commissioner or a special commissioner, shall not be impeached or impeachable by reason only that such judge, chairman, or commissioner was interested or concerned either as a party, or as solicitor, or clerk to the solicitor for one of the parties, or otherwise, in the transaction giving occasion for the acknowledgment; and General Rules shall be made for preventing any person interested or concerned as aforesaid from taking an acknowledgment; but no such Rule shall make invalid any acknowledgment; and those Rules shall, as regards England, be deemed Rules of Court within section seventeen of the Appellate Jurisdiction Act, 1876, as altered by section nineteen of the Supreme Court of Judicature Act, 1881, and shall, as regards Ireland, be deemed Rules of Court within the Supreme Court of Judicature Act (Ireland), 1877, and may be made accordingly, for England and Ireland respectively, at any time after the passing of this Act, to take effect on or after the commencement of this Act.

39 & 40 Vict. c. 59.
44 & 45 Vict. c. 68.
40 & 41 Vict. c. 57.

(4.) The enactments described in the Schedule to this Act are hereby repealed.

(5.) The foregoing provisions of this section, including the repeal therein, apply only to the execution of deeds by married women after the commencement of this Act.

(6.) Notwithstanding the repeal or any other thing in this section, the certificate, if not lodged before the commencement of this Act, of the taking of an acknowledgment by a married woman of a deed executed before the commencement of this Act, with any affidavit relating thereto, shall be lodged, examined, and filed in the like manner and with the like effects and consequences as if this section had not been enacted.

(7.) There shall continue to be kept in the proper office of the Supreme Court of Judicature an index to all certificates of acknow-

Married Women

ledgments of deeds by married women lodged therein, before or after the commencement of this Act, containing the names of the married women and their husbands, alphabetically arranged, and the dates of the certificates and of the deeds to which they respectively relate, and other particulars found convenient; and every such certificate lodged after the commencement of this Act shall be entered in the index as soon as may be after the certificate is filed.

(8.) An office copy of any such certificate filed before or after the commencement of this Act shall be delivered to any person applying for the same; and every such office copy shall be received as evidence of the acknowledgment of the deed to which the certificate refers.

Powers of Attorney.

Powers of Attorney

Effect of power of attorney, for value, made absolutely irrevocable.

8.—(1.) If a power of attorney, given for valuable consideration, is in the instrument creating the power expressed to be irrevocable, then, in favour of a purchaser,—

(i.) The power shall not be revoked at any time, either by anything done by the donor of the power without the concurrence of the donee of the power, or by the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power; and

(ii.) Any act done at any time by the donee of the power, in pursuance of the power, shall be as valid as if anything done by the donor of the power without the concurrence of the donee of the power, or the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power, had not been done or happened; and

(iii.) Neither the donee of the power nor the purchaser shall at any time be prejudicially affected by notice of anything done by the donor of the power, without the concurrence of the donee of the power, or of the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power.

(2.) This section applies only to powers of attorney created by instruments executed after the commencement of this Act.

Effect of power of attorney, for value or not, made irrevocable for fixed time.

9.—(1.) If a power of attorney whether given for valuable consideration or not, is in the instrument creating the power expressed to be irrevocable for a fixed time therein specified, not exceeding one year from the date of the instrument, then, in favour of a purchaser,—

(i.) The power shall not be revoked, for and during that fixed time, either by anything done by the donor of the power without the concurrence of the donee of the power, or by the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power; and

(ii.) Any act done within that fixed time, by the donee of the power, in pursuance of the power, shall be as valid as if anything done by the donor of the power without the concurrence of the donee of the power, or the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power, had not been done or happened; and

(iii.) Neither the donee of the power, nor the purchaser, shall at any time be prejudicially affected by notice either during or after that fixed time of anything done by the donor of the power during

that fixed time, without the concurrence of the donee of the power, or of the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power within that fixed time.

Powers of Attorney.

(2.) This section applies only to powers of attorney created by instruments executed after the commencement of this Act.

Executory Limitations.

Executory Limitations.

Restriction on executory limitations.

10.—(1.) Where there is a person entitled to land for an estate in fee, or for a term of years absolute or determinable on life, or for term of life, with an executory limitation over on default or failure of all or any of his issue, whether within or at any specified period or time or not, that executory limitation shall be or become void and incapable of taking effect, if and as soon as there is living any issue who has attained the age of twenty-one years, of the class on default or failure whereof the limitation over was to take effect.

(2.) This section applies only where the executory limitation is contained in an instrument coming into operation after the commencement of this Act.

Long Terms.

Long Terms.

Amendment of enactment respecting long terms.

11. Section sixty-five of the Conveyancing Act of 1881 shall apply to and include, and shall be deemed to have always applied to and included, every such term as in that section mentioned, whether having as the immediate reversion thereon the freehold or not; but not—

(i.) Any term liable to be determined by re-entry for condition broken; or

(ii.) Any term created by sub-demise out of a superior term, itself incapable of being enlarged into a fee simple.

Mortgages.

Mortgages.

Re-conveyance on mortgage.

12. The right of the mortgagor, under section fifteen of the Conveyancing Act of 1881, to require a mortgagee, instead of re-conveying, to assign the mortgage debt and convey the mortgaged property to a third person, shall belong to and be capable of being enforced by each incumbrancer, or by the mortgagor, notwithstanding any intermediate incumbrance; but a requisition of an incumbrancer shall prevail over a requisition of the mortgagor, and, as between incumbrancers, a requisition of a prior incumbrancer shall prevail over a requisition of a subsequent incumbrancer.

Saving.

Saving.

Restriction on repeals in this Act.

13. The repeal by this Act of any enactment shall not affect any right accrued or obligation incurred thereunder before the commencement of this Act; nor shall the same affect the validity or invalidity, or any operation, effect, or consequence, of any instrument executed or made, or of anything done or suffered, before the commencement of this Act; nor shall the same affect any action, proceeding, or thing then pending or uncompleted; and every such action, proceeding, and thing may be carried on and completed as if there had been no such repeal in this Act.

SCHEDULE.

Section 7 (4).

REPEALS.

3 & 4 Will. 4. c. 74. in part.	The Fines and Recoveries Act - - - in part; namely,— Section eighty-four, from and including the words "and the same judge," to the end of that section. Sections eighty-five to eighty-eight, inclusive.
4 & 5 Will. 4. c. 92. in part.	The Fines and Recoveries (Ireland) Act - - in part; namely,— Section seventy-five, from and including the words "and the same judge," to the end of that section. Sections seventy-six to seventy-nine, inclusive.
17 & 18 Vict. c. 75.	An Act to remove doubts concerning the due acknowledgments of deeds by married women in certain cases.
41 & 42 Vict. c. 23.	The Acknowledgment of Deeds by Married Women (Ireland) Act, 1878.

CHAPTER 40.

An Act to amend the law of Copyright relating to Musical Compositions. [10th August 1882.]

WHEREAS it is expedient to amend the law relating to copyright in musical compositions, and to protect the public from vexatious proceedings for the recovery of penalties for the unauthorised performance of the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Printed notice restraining public performance.

1. On and after the passing of this Act the proprietor of the copyright in any musical composition first published after the passing of this Act, or his assignee, who shall be entitled to and be desirous of retaining in his own hands exclusively the right of public representation or performance of the same, shall print or cause to be printed upon the title-page of every published copy of such musical composition a notice to the effect that the right of public representation or performance is reserved.

Provision when right of performance and copyright are vested in different owners.

2. In case, after the passing of this Act, the right of public representation or performance of, and the copyright in, any musical composition shall be or become vested before publication of any copy thereof in different owners, then, if the owner of the right of public representation or performance shall desire to retain the same, he shall, before any such publication of any copy of such musical composition, give to the owner of the copyright therein notice in writing requiring him to print upon every copy of such musical composition a notice to the effect that the right of public representation or performance is reserved; but in case the right of public representation or performance of, and the copyright in,

any musical composition shall, after publication of any copy thereof subsequently to the passing of this Act, first become vested in different owners, and such notice as aforesaid shall have been duly printed on all copies published after the passing of this Act previously to such vesting, then, if the owner of the right of performance and representation shall desire to retain the same, he shall before the publication of any further copies of such musical composition, give notice in writing to the person in whom the copyright shall be then vested, requiring him to print such notice as aforesaid on every copy of such musical composition to be thereafter published

Penalty on owner of copyright for non-compliance with notice from owner of right of performance

3. If the owner for the time being of the copyright in any musical composition shall, after due notice being given to him or his predecessor in title at the time, and generally in accordance with the last preceding section, neglect or fail to print legibly and conspicuously upon every copy of such composition published by him or by his authority, or by any person lawfully entitled to publish the same, and claiming through or under him, a note or memorandum stating that the right of public representation or performance is reserved, then and in such case the owner of the copyright at the time of the happening of such neglect or default, shall forfeit and pay to the owner of the right of public representation or performance of such composition the sum of twenty pounds, to be recovered in any court of competent jurisdiction

Costs 3 & 4 Will 4 c 15

4. Notwithstanding the provisions of the Act passed in the third and fourth years of His Majesty King William the Fourth, to amend the laws relating to dramatic literary property, or any other Act in which those provisions are incorporated, the costs of any action or proceedings for penalties or damages in respect of the unauthorised representation or performance of any musical composition published before the passing of this Act shall, in cases in which the plaintiff shall not recover more than forty shillings as penalty or damages, be in the discretion of the court or judge before whom such action or proceedings shall be tried

Short title

5. This Act may be cited as the Copyright (Musical Compositions) Act, 1882

CHAPTER 41.

An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue.

[10th August 1882.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein after mentioned, and do therefore most humbly beseech Your Majesty that it

may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Customs and Inland Revenue Act, 1882.

PART I.

Customs and Excise.

Import duties on tea.

2. The duties of customs now chargeable upon tea shall continue to be levied and charged, on and after the first day of August one thousand eight hundred and eighty-two until the first day of August one thousand eight hundred and eighty-three, on the importation thereof into Great Britain or Ireland; (that is to say,)

Tea, the pound - - - Sixpence.

Repeal of customs duties on vegetable matter other than chicory. 39 & 40 Vict. c. 35.

3. The duties of customs under the Customs Tariff Act, 1876, on vegetable matter (other than chicory) applicable to the uses of chicory or coffee shall cease and determine.

Repeal of excise duty on vegetable matter other than chicory. 35 & 36 Vict. c. 20.

4. (1.) Section five of the Customs and Inland Revenue Act, 1872, so far as it imposes a duty of excise on any vegetable matter (other than chicory) applicable to the uses of chicory or coffee grown in the United Kingdom, is hereby repealed.

(2.) The several sections of the Act of the twenty-third and twenty-fourth years of Her Majesty's reign, chapter one hundred and thirteen, relating to the duty on chicory or any such vegetable matter as aforesaid, shall be read as if the same were confined to chicory, and the expressions "or such other vegetable matter as aforesaid" and "or other vegetable matter," wherever the same respectively therein occur, were omitted therefrom.

Grant of duty on imitations of coffee and on coffee mixtures.

5. (1.) There shall be granted and paid to Her Majesty, her heirs and successors, upon every quarter of a pound weight of any article or substance prepared or manufactured for the purpose of being in imitation of, or in any respect to resemble, or to serve as a substitute for, coffee or chicory, which is sold or kept for sale in the United Kingdom, and also upon every quarter of a pound weight of any mixture of such article or substance as aforesaid with coffee or chicory, which is sold or kept for sale in the United Kingdom, the duty of excise of one halfpenny.

(2.) The said duty shall be under the care and management of the Commissioners of Inland Revenue, and shall be denoted by, and collected by means of, an adhesive label or labels to be provided by the said Commissioners.

(3.) Any label so provided shall be deemed to be included within the term "stamp" in sections eighteen, nineteen, twenty, and twenty-one of the Stamp Duties Management Act, 1870.

33 & 34 Vict. c. 98.

(4.) All the powers, clauses, regulations, and directions contained in any Act relating to duties of excise or to penalties under Excise Acts, and now or hereafter in force, shall be of full force and effect with respect to the said duty and the penalties by this Act imposed, so far as the same are applicable, as fully and effectually as if the same had been herein specially enacted with reference to such duty and penalties.

6. (1.) No article or substance or mixture upon which a duty of excise is imposed by this Act shall be sold or exposed to sale, or be offered or kept ready for sale, or be delivered out of the custody or possession of any preparer, manufacturer, or importer thereof, except under the following conditions:

Conditions under which imitations of coffee and coffee mixtures may be sold

(*a.*) The article or substance or mixture shall be placed in packets, each containing one quarter of a pound or any number of quarters of a pound:

(*b.*) Each such packet shall have affixed thereto a label or labels (which shall not have been before used) denoting the proper amount of duty payable upon such packet according to the weight thereof

(*c*) Such label or labels shall be affixed so that the whole thereof shall adhere to the packet, and so that the packet cannot be opened without tearing or destroying the label or labels

(*d*) Where more than one label is affixed to any packet the labels shall be affixed so that every label shall be wholly or partially visible

Provided that each such packet containing, or purporting to contain, coffee with any other article or substance mixed therewith shall have affixed thereto a label, in manner hereinbefore provided, denoting in letters of not less size than the largest letters affixed to or imprinted on such label the proper name of the several articles or substances of which such mixture is composed

(2) If any person shall sell or expose to sale, or offer or keep ready for sale, or deliver out of his custody or possession, any such article or substance or mixture as aforesaid, otherwise than in conformity with the above conditions, he shall forfeit the same, and incur a fine of twenty pounds.

(3) In any proceeding for recovery of the fine imposed by this section, if any question shall arise whether any label shall have been before used, proof that such label had not been before used shall lie upon the defendant.

(4.) Provided that nothing in this Act contained shall in any way affect any Act or Acts now in force relating to the adulteration of food.

7. If any person who shall prepare, manufacture, sell, keep for sale, or import any article or substance or mixture upon which a duty of excise is imposed by this Act, shall buy, receive, or have in his possession any label provided under this Act which shall have been before used, or any portion of such a label (whether such label or portion shall be loose or affixed to any packet), he shall incur a fine of one hundred pounds, and every such label or portion shall be seized

Penalty for buying, &c labels which have been used before

8. Section five of the Act of the forty-third year of the reign of King George the Third, chapter one hundred and twenty-nine, is hereby repealed, save as respects the validity, invalidity, effect, or consequences of anything already done or suffered.

Repeal of section 5 of 43 Geo 3 c 129

PART II.

Income Tax.

9. There shall be charged, collected, and paid for the year which commenced on the sixth day of April one thousand eight hundred

Grant of duties of income tax.

and eighty-two, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say,)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of sixpence halfpenny;

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act,—

In England the duty of threepence farthing;

In Scotland and Ireland respectively, the duty of twopence and three eighths of a penny.

Provided always, that where any dividends, interest, or other annual profits or gains are due or payable half-yearly or quarterly in the course of the said year, the first half-yearly payment and the two first quarterly payments shall be deemed to have been or be chargeable with the duty of fivepence, and the other half-yearly payment and the two other quarterly payments shall be deemed to be chargeable with the duty of eightpence.

Provisions of Income Tax Acts to apply to duties hereby granted. 44 & 45 Vict. c. 12.

10. All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and eighty-two (except section twenty-two of the Customs and Inland Revenue Act, 1881,) shall have full force and effect with respect to the duties of income tax granted by this Act so far as the same shall be consistent with the provisions of this Act.

Provisions as to duty on dividends, &c. paid prior to passing of this Act.

11. (1.) Where any dividend, interest, or other annual profits or gains due or payable half-yearly or quarterly shall have become due or payable in the course of the said year which commenced on the sixth day of April one thousand eight hundred and eighty-two, and shall have been paid to any person prior to the passing of this Act without any charge for the duty of income tax at the rate of fivepence having been made thereon or deducted therefrom, the amount of the said duty shall be added to the assessment in respect of the next half-yearly or quarterly payment to such person, and charged thereon and deducted therefrom accordingly.

(2.) Where any person liable to pay any rent, interest, annuity, or other annual payment in the course of the said year shall, on making any such payment prior to the passing of this Act, have not made any deduction or have made an insufficient deduction in respect of income tax, he shall be authorised to make the deduction or a sufficient deduction to make up the deficiency on the occasion of the next payment, in addition to any other deduction which he may by law be authorised to make.

(3.) The charge or deduction of the duty of income tax at the rate of fivepence in the case of any payment made in the course of the said year prior to the passing of this Act shall be deemed to have been a legal charge or deduction.

Provisions of Income Tax Acts to apply to duties to be granted for

12. In order to ensure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April one thousand eight hundred and eighty-three, all such provisions contained in any Act relating to the duties

of income tax as are in force on the fifth day of April one thousand eight hundred and eighty-three shall have full force and effect with respect to the duties of income tax which may be so granted in the same manner as if the said duties had been actually granted and the said provisions had been applied thereto by an Act of Parliament passed on that day, provided that nothing in this section shall be deemed to render necessary or authorise the appointment of assessors for such of the said duties as may be granted and payable under Schedules (A) and (B) of the said Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four

succeeding year

CHAPTER 42.

An Act to amend the Law relating to Civil Imprisonment in Scotland. [18th August 1882]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows

1. This Act may be cited for all purposes as the Civil Imprisonment (Scotland) Act, 1882

Short title

2. This Act shall come into operation on the first day of October one thousand eight hundred and eighty-two, which date is hereinafter referred to as the commencement of this Act

Commencement of Act

3. From and after the commencement of this Act no person shall, except as herein-after provided, be apprehended or imprisoned on account of his failure to pay any sum or sums decerned for aliment

Imprisonment for alimentary debts

4. Subject to the provisions herein-after contained any sheriff or sheriff substitute may commit to prison for a period not exceeding six weeks, or until payment of the sum or sums of aliment, and expenses of process decerned for, or such instalment or instalments thereof as the sheriff or sheriff substitute may appoint, or until the creditor is otherwise satisfied, any person who wilfully fails to pay within the days of charge any sum or sums of aliment, together with the expenses of process, for which decree has been pronounced against him by any competent court, provided—

Power to imprison for wilful failure to obey decree for alimentary debt

(1) That the warrant to commit to prison may be applied for by the creditor in the sum or sums decerned for without any concurrence

(2) That the application shall be disposed of summarily, and without any written pleadings

(3.) That the failure to pay shall be presumed to have been wilful until the contrary is proved by the debtor, but that a warrant of imprisonment shall not be granted if it is proved to the satisfaction of the sheriff or sheriff substitute that the debtor has not, since the commencement of the action in which the decree was pronounced, possessed or been able to earn the means of paying the sum or sums in respect of which he has made default, or such instalment or instalments thereof as the sheriff or sheriff substitute shall consider reasonable

(4.) That a warrant of imprisonment may be granted of new, subject to the same provisions and conditions, at intervals of not less than six months, against the same person in respect of failure to pay the same sum or sums of aliment and expenses of process, if or in so far as still remaining due, or such instalment or instalments thereof as the sheriff or sheriff substitute shall consider reasonable, or any sums afterwards accruing due under the decree, or such instalment or instalments thereof as the sheriff or sheriff substitute shall consider reasonable:

(5.) That the imprisonment shall not to any extent operate as a satisfaction or extinction of the debt, or interfere with the creditor's other rights and remedies for its recovery:

(6.) That the creditor, upon whose application the warrant of imprisonment is granted, shall not be liable to aliment or to contribute to the aliment of the debtor while incarcerated under such warrant; but that the incarcerated debtor shall be subject to the enactments and rules as to maintenance, work, discipline, and otherwise applicable to the class of prisoners committed for contempt of court.

Imprisonment for rates and assessments.

5. No person shall, on account of failure to pay rates and assessments, be imprisoned for a longer period than six weeks in all at the instance of the rating authority or authorities of any one parish, combination, district, county, or burgh, in respect of his failure to pay the rates and assessments due for any one year, without prejudice to any other civil rights and remedies competent to the rating authority.

Imprisonment in law burrows, &c.

6. In order to amend the law in regard to imprisonment in the process of law burrows, the following provisions shall have effect; (that is to say,)

(1.) It shall not be competent to issue letters of law burrows under the signet in the Court of Session or Court of Justiciary:

(2.) Upon an application for law burrows being presented, the sheriff or sheriff substitute or justice of the peace shall immediately, and without taking the oath of the applicant, order the petition to be served upon the person complained against, and shall at the same time grant warrant to both parties to cite witnesses:

(3.) At the diet of proof appointed, or at any adjourned diet, the application shall be disposed of summarily under the provisions of the Summary Jurisdiction Acts, and without any writen pleadings or record of the evidence being kept, and expenses may be awarded against either party if and as it shall seem just:

(4.) In every application for law burrows the parties shall be competent witnesses, and the sheriff or sheriff substitute, or justice of the peace, may grant the prayer of the petition upon the sworn testimony of one credible witness, although such witness may be a party:

(5.) In the event of the sheriff or sheriff substitute, or justice of the peace, ordering caution to be found, the amount of caution shall be in his discretion:

(6.) The sheriff or sheriff substitute, or justice of the peace, may, in the event of his ordering caution to be found, further order

that the party complained against shall, failing his finding caution, be imprisoned for a period not exceeding six months, if the order be made by a sheriff or sheriff substitute, and not exceeding fourteen days, if the order be made by a justice of the peace:

(7.) It shall be in the power of the sheriff or sheriff substitute, or justice of the peace, to order the party complained against to grant his own bond without caution for duly implementing the terms of the order, and failing such bond being granted within the time limited by the order, such order may farther direct that the party failing shall be imprisoned for such periods as aforesaid:

(8.) The applicant shall not be bound to aliment or contribute to the aliment of the person complained against when incarcerated; but the person so incarcerated shall be subject to the enactments and rules as to maintenance, work, discipline, and otherwise applicable to the class of prisoners committed for contempt of court:

Provided always, that except in so far as expressly altered by this section, nothing in this Act shall affect the existing law and practice in regard to the process of law burrows.

Discharge of persons in custody at the commencement of this Act.

7. Where any person is at the commencement of this Act in custody under a warrant of imprisonment or other process in any case in which he would not be liable to be apprehended or imprisoned or detained in custody after the commencement of this Act, such person shall, within twelve hours after the commencement of this Act, be discharged from such custody; but his apprehension, imprisonment, or discharge shall not affect the other rights or remedies of any creditor or other person in respect of any debt, claim, or demand against him.

Amendment of law as to aliment of civil prisoners.

8. With respect to the alimenting of civil prisoners entitled to aliment, the following provision shall have effect; (that is to say,)

The gaoler or other person in whose hands the sum of ten shillings shall have been deposited, in terms of the Act sixth George the Fourth, chapter sixty-two, as a means of and security for the aliment of any civil prisoner, shall, as from the date of his imprisonment, pay out of the same the aliment of the said prisoner at the rate of not exceeding one shilling per diem: Provided that, if such prisoner shall not apply for or shall not be found entitled to aliment, any sum expended under this sub-section shall be a debt due by him to the incarcerating creditor.

Construction of Act.
43 & 44 Vict. c. 34.
44 & 45 Vict. c. 22.

9. This Act shall be read and construed together with the Debtors (Scotland) Act, 1880, and the Bankruptcy and Cessio (Scotland) Act, 1881.

CHAPTER 43.

An Act to amend the Bills of Sale Act, 1878.

[18th August 1882]

41 & 42 Vict c 31

WHEREAS it is expedient to amend the Bills of Sale Act, 1878

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

Short title

1. This Act may be cited for all purposes as the Bills of Sale Act (1878) Amendment Act, 1882, and this Act and the Bills of Sale Act 1878, may be cited together as the Bills of Sale Acts, 1878 and 1882

Commencement of Act

2. This Act shall come into operation on the first day of November one thousand eight hundred and eighty-two, which date is herein-after referred to as the commencement of this Act

Construction of Act 41 & 42 Vict c 31

3. The Bills of Sale Act 1878, is herein-after referred to as "the principal Act," and this Act shall, so far as is consistent with the tenor thereof, be construed as one with the principal Act, but unless the context otherwise requires shall not apply to any bill of sale duly registered before the commencement of this Act so long as the registration thereof is not avoided by non-renewal or otherwise

The expression "bill of sale," and other expressions in this Act, have the same meaning as in the principal Act, except as to bills of sale or other documents mentioned in section four of the principal Act, which may be given otherwise than by way of security for the payment of money, to which last-mentioned bills of sale and other documents this Act shall not apply

Bill of sale to have schedule of property attached thereto

4. Every bill of sale shall have annexed thereto or written thereon a schedule containing an inventory of the personal chattels comprised in the bill of sale, and such bill of sale, save as herein after mentioned, shall have effect only in respect of the personal chattels specifically described in the said schedule, and shall be void, except as against the grantor, in respect of any personal chattels not so specifically described

Bill of sale not to affect after acquired property

5. Save as herein-after mentioned a bill of sale shall be void, except as against the grantor, in respect of any personal chattels specifically described in the schedule thereto of which the grantor was not the true owner at the time of the execution of the bill of sale.

Exception as to certain things

6. Nothing contained in the foregoing sections of this Act shall render a bill of sale void in respect of any of the following things, (that is to say,)

(1) Any growing crops separately assigned or charged where such crops were actually growing at the time when the bill of sale was executed

(2) Any fixtures separately assigned or charged, and any plant, or trade machinery where such fixtures, plant, or trade machinery are used in attached to, or brought upon any land, farm, factory, workshop, shop, house, warehouse, or other place

in substitution for any of the like fixtures, plant, or trade machinery specifically described in the schedule to such bill of sale.

Bill of sale with power to seize except in certain events to be void.

7. Personal chattels assigned under a bill of sale shall not be liable to be seized or taken possession of by the grantee for any other than the following causes:—

(1.) If the grantor shall make default in payment of the sum or sums of money thereby secured at the time therein provided for payment, or in the performance of any covenant or agreement contained in the bill of sale and necessary for maintaining the security;

(2.) If the grantor shall become a bankrupt, or suffer the said goods or any of them to be distrained for rent, rates, or taxes;

(3.) If the grantor shall fraudulently either remove or suffer the said goods, or any of them, to be removed from the premises;

(4.) If the grantor shall not, without reasonable excuse, upon demand in writing by the grantee, produce to him his last receipts for rent, rates, and taxes;

(5.) If execution shall have been levied against the goods of the grantor under any judgment at law:

Provided that the grantor may within five days from the seizure or taking possession of any chattels on account of any of the above-mentioned causes, apply to the High Court, or to a judge thereof in chambers, and such court or judge, if satisfied that by payment of money or otherwise the said cause of seizure no longer exists, may restrain the grantee from removing or selling the said chattels, or may make such other order as may seem just.

Bill of sale to be void unless attested and registered.

8. Every bill of sale shall be duly attested, and shall be registered under the principal Act within seven clear days after the execution thereof, or if it is executed in any place out of England then within seven clear days after the time at which it would in the ordinary course of post arrive in England if posted immediately after the execution thereof; and shall truly set forth the consideration for which it was given; otherwise such bill of sale shall be void in respect of the personal chattels comprised therein.

Form of bill of sale.

9. A bill of sale made or given by way of security for the payment of money by the grantor thereof shall be void unless made in accordance with the form in the schedule to this Act annexed.

Attestation.

10. The execution of every bill of sale by the grantor shall be attested by one or more credible witness or witnesses, not being a party or parties thereto. So much of section ten of the principal Act as requires that the execution of every bill of sale shall be attested by a solicitor of the Supreme Court, and that the attestation shall state that before the execution of the bill of sale the effect thereof has been explained to the grantor by the attesting witness, is hereby repealed.

Local registration of contents of bills of sale.

11. Where the affidavit (which under section ten of the principal Act is required to accompany a bill of sale when presented for registration) describes the residence of the person making or giving the same or of the person against whom the process is issued to be in some place outside the London bankruptcy district as defined by the Bankruptcy Act, 1869, or where the bill of sale describes the chattels enumerated therein as being in some place outside the

32 & 33 Vict. c. 71. s. 60.

said London bankruptcy district, the registrar under the principal Act shall forthwith and within three clear days after registration in the principal registry, and in accordance with the prescribed directions, transmit an abstract in the prescribed form of the contents of such bill of sale to the county court registrar in whose district such places are situate, and if such places are in the districts of different registrars to each such registrar.

Every abstract so transmitted shall be filed, kept, and indexed by the registrar of the county court in the prescribed manner, and any person may search, inspect, make extracts from, and obtain copies of the abstract so registered in the like manner and upon the like terms as to payment or otherwise as near as may be as in the case of bills of sale registered by the registrar under the principal Act.

Bill of sale under 30*l.* to be void.

12. Every bill of sale made or given in consideration of any sum under thirty pounds shall be void.

Chattels not to be removed or sold.

13. All personal chattels seized or of which possession is taken after the commencement of this Act, under or by virtue of any bill of sale (whether registered before or after the commencement of this Act), shall remain on the premises where they were so seized or so taken possession of, and shall not be removed or sold until after the expiration of five clear days from the day they were so seized or so taken possession of.

Bill of sale not to protect chattels against poor and parochial rates.

14. A bill of sale to which this Act applies shall be no protection in respect of personal chattels included in such bill of sale which but for such bill of sale would have been liable to distress under a warrant for the recovery of taxes and poor and other parochial rates.

Repeal of part of Bills of Sale Act, 1878.

15. The eighth and the twentieth sections of the principal Act, and also all other enactments contained in the principal Act which are inconsistent with this Act are repealed, but this repeal shall not affect the validity of anything done or suffered under the principal Act before the commencement of this Act.

Inspection of registered bills of sale.

16. So much of the sixteenth section of the principal Act as enacts that any person shall be entitled at all reasonable times to search the register and every registered bill of sale upon payment of one shilling for every copy of a bill of sale inspected is hereby repealed, and from and after the commencement of this Act any person shall be entitled at all reasonable times to search the register, on payment of a fee of one shilling, or such other fee as may be prescribed, and subject to such regulations as may be prescribed, and shall be entitled at all reasonable times to inspect, examine, and make extracts from any and every registered bill of sale without being required to make a written application, or to specify any particulars in reference thereto, upon payment of one shilling for each bill of sale inspected, and such payment shall be made by a judicature stamp: Provided that the said extracts shall be limited to the dates of execution, registration, renewal of registration, and satisfaction, to the names, addresses, and occupations of the parties, to the amount of the consideration, and to any further prescribed particulars.

Debentures to which Act not to apply.

17. Nothing in this Act shall apply to any debentures issued by any mortgage, loan, or other incorporated company, and secured

upon the capital stock or goods, chattels, and effects of such company.

18. This Act shall not extend to Scotland or Ireland. Extent of Act.

SCHEDULE.

FORM OF BILL OF SALE.

This Indenture made the day of , between *A.B.* of of the one part, and *C.D.* of of the other part, witnesseth that in consideration of the sum of £ now paid to *A.B.* by *C.D.*, the receipt of which the said *A.B.* hereby acknowledges [*or whatever else the consideration may be*], he the said *A.B.* doth hereby assign unto *C.D.*, his executors, administrators, and assigns, all and singular the several chattels and things specifically described in the schedule hereto annexed by way of security for the payment of the sum of £ and interest thereon at the rate of per cent. per annum [*or whatever else may be the rate*]. And the said *A.B.* doth further agree and declare that he will duly pay to the said *C.D.* the principal sum aforesaid, together with the interest then due, by equal payments of £ on the day of [*or whatever else may be the stipulated times or time of payment*]. And the said *A.B.* doth also agree with the said *C.D.* that he will [*here insert terms as to insurance, payment of rent, or otherwise, which the parties may agree to for the maintenance or defeasance of the security*].

Provided always, that the chattels hereby assigned shall not be liable to seizure or to be taken possession of by the said *C.D.* for any cause other than those specified in section seven of the Bills of Sale Act (1878) Amendment Act, 1882.

In witness, &c

Signed and sealed by the said *A.B.* in the presence of me *E.F.* [*add witness' name, address, and description*].

CHAPTER 44.

An Act to authorise the Commutation of a portion of a Pension in pursuance of the Pensions Commutation Act, 1871. [18th August 1882.]

WHEREAS by the Pensions Commutation Act, 1871, the Treasury are authorised, on the application of any person to whom that Act applies, to commute his pension in the manner provided by that Act, and in accordance with the regulations from time to time made by the Treasury: 34 & 35 Vict. c. 36.

And whereas doubts have arisen as to the power of the Treasury under the said Act to commute a portion of a pension, and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Pensions Commutation Act, 1882. Short title.

2. This Act and the Pensions Commutation Acts, 1871 and 1876, may be cited as the Pensions Commutation Acts, 1871 to 1882. 39 & 40 Vict. c. 73.

Power to commute a portion of a pension under 34 & 35 Vict. c. 36.

3. Where the Treasury have power, in pursuance of the Pensions Commutation Act, 1871, to commute the pension of any person, the Treasury shall also have power to commute a portion of such pension, and the provisions of the Pensions Commutation Acts, 1871 and 1876, shall apply accordingly to the portion of the pension in like manner, so nearly as circumstances admit, as they apply to the whole pension.

CHAPTER 45.

An Act to make provision for the transfer of the Assets and Liabilities of the Provident Branch of the Bombay Civil Fund and other funds to the Secretary of State for India in Council. [18th August 1882.]

WHEREAS an institution known as the Provident Branch of the Bombay Civil Fund (founded on the Bombay Civil Fund of earlier date) was established in Bombay under the authority given by the Court of Directors of the East India Company in a public despatch to the Governor in Council at Bombay, dated the thirty-first of December one thousand eight hundred and twenty-four, the said Provident Branch having a separate capital for making provision for such of the civil servants of the said company as should be obliged by ill-health to leave India either temporarily or permanently, and for the granting of annuities to the widows and children of its members and of portions for the children of members, and the said fund was supported by the subscriptions of the civil servants of the said company and by certain contributions from the said company:

And whereas in a financial despatch to the Government of India, dated the twenty-first of July one thousand eight hundred and eighty-one, certain changes respecting the grant of annuities to widows were authorised by the Secretary of State for India in Council, and certain terms were stated on which the Secretary of State for India in Council was willing to take over the assets, liabilities, and management of the said institution:

And whereas in accordance with the instructions contained in the aforesaid despatch the Government of India caused the inquiry to be made, whether upon the terms offered by the Secretary of State for India in Council in the said despatch the subscribers to the said fund were willing to surrender the accumulated fund to the Secretary of State for India in Council, and the proposition so to make over the accumulated fund on the terms offered by the Secretary of State for India in Council was carried in the affirmative by the subscribers by a large majority of votes:

And whereas in order to avoid any doubt that may arise in regard to the legality of such transfer it is necessary to make provision by law for enabling the trustees of the said fund to transfer the assets and liabilities thereof to the Secretary of State for India in Council, and for enabling the Secretary of State for India in Council to accept the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Assets, &c. of Provident Branch of Bombay Civil Fund transferred to Secretary of State.

1. It shall be lawful for the trustees of the Provident Branch of the Bombay Civil Fund to transfer to the Secretary of State for India in Council the assets and liabilities of the fund, including any assets and liabilities to which the said trustees may have succeeded as representing the trustees of the earlier fund at Bombay, and for the Secretary of State for India in Council to accept the same.

Payments charged on said fund to be payable from revenues of India.

2. As soon as the assets and liabilities of the said fund, including as aforesaid, shall be transferred to the Secretary of State for India in Council, and the acceptance thereof by the Secretary of State for India in Council notified by the Government of India, all existing liabilities of the said fund shall be deemed to be liabilities of the revenues of India, and all such liabilities may be enforced against the Secretary of State for India in Council in like manner as they might have been enforced against the trustees of the said fund if this Act had not been passed; and every civil servant, or widow or child of a civil servant, who shall at the date of such notification be an incumbent of an annuity from the said fund or from any earlier fund, the assets and liabilities of which shall have been transferred as aforesaid, shall be entitled to receive from time to time the amount of such annuity from the revenues of India; and every civil servant, and every widow or child of a civil servant, who shall be a subscriber to the said fund, or shall be an incumbent annuitant of the said fund at or after the date of such notification, shall be entitled to the benefits to which they are entitled under the existing rules at the date of the passing of this Act, with the additional benefit in the case of widows of a pension of sixty pounds per annum, such additional benefit to take effect as from the first of April one thousand eight hundred and eighty-two.

Provided that nothing in this Act contained shall be held to preclude the Secretary of State for India in Council from assigning to the incumbents on and subscribers to the said fund, or to any such widow or child as aforesaid, any benefits in addition to those secured to them by this Act, if on considering the assets and liabilities of the said fund the Secretary of State for India in Council shall deem it reasonable so to do.

How notifications, &c. to be given.

3. All notifications or applications on the part of the subscribers to or beneficiaries under the said fund which are required or prescribed by the rules of the said fund as existing at the date of this Act shall be given and made in such manner and to such person or persons as the Secretary of State for India in Council shall from time to time appoint.

Powers of trustees of fund vested in Secretary of State.

4. From and after the passing of this Act there shall vest in the Secretary of State for India in Council all powers and authorities, discretionary or otherwise, which were prior to the date of this Act vested in the trustees of the said fund, or the subscribers thereto in general meeting: Provided always, that notwithstanding anything herein contained, the Secretary of State for India in Council shall,

as far as may be practicable, conform to and adopt the practice heretofore followed in the management of the said fund

Saving for subscribers claims

5. Provided that nothing in this Act shall prejudice any claim which may be made by any subscriber to or beneficiary under the said fund, or by the representatives of any such subscriber or beneficiary upon the funds so transferred, and in case any question shall arise between any such subscriber, or the representatives of any deceased subscriber or the widow or a child of any such subscriber, or the representatives of any such widow or child on the one hand and the Secretary of State for India in Council on the other as to any liability or alleged liability of the said fund such question shall be determined by Her Majesty's Court of Appeal in such manner as may be provided by any General Orders or as the said Court may on special application think fit to prescribe anything in the Statute of Limitations to the contrary notwithstanding

Assets &c of Bengal and Madras Funds may be transferred to Secretary of State, after vote

6. And whereas it may be expedient that the Secretary of State for India in Council should have authority in like manner to accept the transfer of the assets, liabilities and management of other institutions, known as the Bengal Civil Fund and the Madras Civil Fund, with the consent of the subscribers to the said institutions respectively It shall be lawful for the managers or trustees to make over the assets, liabilities and management of both or either of the said funds, and for the Secretary of State for India in Council to take and assume the same upon such terms as the Secretary of State for India in Council may approve, if at any time hereafter it shall appear by a vote, specially taken for the purpose that a majority of not less than three fourths of the subscribers to those institutions who may vote upon the question are in favour of such transfer

CHAPTER 46.

An Act to amend the Isle of Man (Officers) Act, 1876

[18th August 1882.]

39 & 40 Vict c 43

WHEREAS by the Isle of Man (Officers) Act, 1876, provision was made respecting the superannuation allowances or pensions of persons employed in permanent offices in the service of Her Majesty in the government of the Isle of Man, in cases where they have served Her Majesty in some other civil capacity

And whereas it is expedient to amend the said Act as regards the calculation of the pension of such persons

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

Calculation of superannuation allowance to person employed in Isle of Man

22 Vict c 26

1. Where a superannuation allowance is granted under the Superannuation Act, 1859, to any person who has been employed in a permanent office in the service of Her Majesty in the government of the Isle of Man and also in the permanent Civil Service of the State, and his salary and emoluments in respect of the

permanent Isle of Man office or the office in the permanent Civil Service formerly held by him were greater than the salary and emoluments of the office from which he is retiring, the allowance in respect of so many years as he was entitled (whether as years of actual service or as years added to actual service) to reckon towards superannuation at the date of the cessation of the said greater salary and emoluments may be calculated on the basis of the same amount of salary and emoluments on which it would have been calculated if the said person had retired at the said date.

2. This Act may be cited as the Isle of Man (Officers) Act, 1882, and shall be construed as one with the Isle of Man (Officers) Act, 1876, and together with that Act may be cited as the Isle of Man (Officers) Acts, 1876 and 1882. Short title.

CHAPTER 47.

An Act to make provision respecting certain Arrears of Rent in Ireland. [18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

Settlement of Arrears of Rent.

1. (1.) In the case of any holding to which the Land Law (Ireland) Act, 1881, applies, and which is valued under the Acts relating to the valuation of rateable property in Ireland at not more than thirty pounds a year, if on the application of the landlord and the tenant of such holding, or of either of them after ten days notice in the prescribed manner by the landlord or his agent to the tenant, or by the tenant to the landlord or his agent, the following circumstances (in this Act referred to as preliminary conditions) are proved to the satisfaction of the Irish Land Commission, namely,— Settlement by Land Commission of arrears of rent.

(*a.*) That the rent payable in respect of the year of the tenancy expiring on the last gale day of the tenancy in the year one thousand eight hundred and eighty-one (which year of the tenancy is in this Act referred to as "the year expiring as aforesaid") has been satisfied on or before the thirtieth day of November one thousand eight hundred and eighty-two; and

(*b.*) That antecedent arrears of rent are due to the landlord; and

(*c.*) That the tenant is unable to discharge such antecedent arrears, without loss of his holding, or deprivation of the means necessary for the cultivation thereof,

the Irish Land Commission (in this Act referred to as the Land Commission) may make an order for the payment to or for the benefit of the landlord of a sum equal to one half of such antecedent arrears, subject to the limitation that the sum so paid shall not exceed the yearly rent payable in respect of the holding for the year of the tenancy next preceding the year expiring as aforesaid:

Provided that for the purpose of application under the provisions of sections two, ten, and thirteen respectively of this Act, the Land Commission may in respect of such notice extend the periods in the said sections respectively mentioned for any time not exceeding ten days.

(2.) On such order for payment to or for the benefit of the landlord being made by the Land Commission, all such antecedent arrears of rent shall, subject as herein-after mentioned, be released and extinguished, and any judgment, decree, or security for the rent of the holding, and any judgment or decree for the recovery of the holding on account of the nonpayment of rent, shall be vacated so far as regards any rent due in respect of the holding before the last gale day in the year expiring as aforesaid, but shall not be vacated so far as regards any rent subsequently accrued due, or any costs due in pursuance of such judgment, decree, or security: Provided that in the event of a sale of the tenancy within seven years from the making of such order the arrears of rent dealt with by such order and not satisfied by payment or remission shall, to an amount not exceeding one year of such arrears nor one half of the proceeds of such sale, be a sum payable to the landlord out of such proceeds within the meaning of the Land Law (Ireland) Act, 1881. For the purposes of this Act the saleable value of the tenant's interest shall, so far as the Commissioners think it reasonable, be taken into account in ascertaining whether the tenant is unable to discharge such antecedent arrears.

44 & 45 Vict. c. 49.

(3.) All payments on account of rent made by the tenant to the landlord in or subsequent to the year expiring as aforesaid, but before the thirtieth day of November one thousand eight hundred and eighty-two, shall be deemed to have been made on account of the rent payable in respect of the year expiring as aforesaid, to the extent to which the rent for that year had at the time of such payment accrued due, provided that where it appears that, according to the ordinary course of dealing between the landlord and tenant of a holding, the rent of such holding has usually been paid on some day after the day on which it became legally due, the usual day of payment shall be deemed, for the purposes of this sub-section, to be the time at which the rent accrued due.

(4.) A remission by the landlord of the whole or any part of the rent payable in respect of the year expiring as aforesaid shall be deemed to be a satisfaction of the amount of rent so remitted; provided that no remission made for any previous year shall be credited to the year expiring as aforesaid.

(5.) The Land Commission, if satisfied on the occasion of any application made under this Act that it is just so to do, may authorise the tenant to make to the Land Commission any payments on account of the rent payable in respect of the year of the tenancy expiring as aforesaid which the tenant might otherwise have made to the landlord, and such payment shall for the purposes of this Act be deemed to have been made to the landlord, and the Land Commission shall, having first given public notice in the prescribed manner, cause any sum so paid by the tenant to be paid to the person appearing to such Commission to be entitled thereto as landlord.

(6.) Any money payable under this Act by the Land Commission to the landlord shall be paid to the person entitled as landlord without cost, except so far as may be caused by disputed title or by the person so entitled failing to comply with the rules for the time being in force relating to the payment of such money: Provided always, that where two or more parties are entitled to the arrears, the Land Commission shall have power to decide the rights of the parties, and the proportion in which the sums so ordered to be paid to or for the benefit of the landlord shall be divided amongst them.

Modification in case of evicted tenant when restored to holding.

2. Any tenant evicted from his holding for nonpayment of rent, or whose tenancy has been purchased for the landlord at any sale under and by virtue of any writ of execution founded upon a judgment obtained by the landlord for an arrear of rent due in respect of such holding, may, if his landlord agrees to reinstate him, apply, with the consent of his landlord in the prescribed manner, during the time limited for applications under this Act to the Land Commission under this Act, and the Land Commission may make an order under this Act in the same manner as if the tenant had not been evicted or his tenancy had not been sold.

Any tenant evicted for nonpayment of rent whom the landlord does not agree to reinstate, but who is entitled to apply for a writ of restitution in pursuance of the seventy-first section of the Landlord and Tenant Law Amendment Act (Ireland), 1860, may apply during the time limited for applications under this Act to the Land Commission under this Act, and the Land Commission may make an order under this Act in the same manner as if the tenant had not been evicted, and on an application being made to the court having cognizance of the case for a writ of restitution, that court shall deal with the case as if the tenant had paid all arrears of rent up to the last gale day in the year expiring as aforesaid, and on compliance by the tenant with the other conditions of the said Act of 1860 the court may order his restitution: Provided that an order of the Land Commission under this section shall not take effect until and unless the tenant is restored to his holding.

23 & 24 Vict. c. 154.

For the purpose of enabling any such evicted tenant to make an application to the Land Commission under the first section of this Act, the Land Commission shall have power, on application made by him within six months from the time of eviction, and during the time limited for applications under this Act, to enlarge the time during which he may redeem his tenancy for a period not exceeding three months, subject to such terms and conditions as may seem just.

Application of Act to existing leases.

3. This Act shall apply to holdings subject to existing leases within the meaning of section twenty-one of the Land Law (Ireland) Act, 1881, in like manner as it applies to any other holding.

PART II.

Supplemental Provisions.

Powers of Land Commission.

4. For the purposes of this Act the Land Commission may exercise all such powers vested in them for the purpose of the execution of the Land Law (Ireland) Act, 1881, as are referred to in the first schedule to this Act, and shall have full jurisdiction to hear and determine all matters, whether of law or fact, that may

44 & 45 Vict. c. 49.

be required to be determined by them for the purposes of this Act, and they shall have power to retain in their hands any moneys which may be payable to a landlord until they have decided to whom such moneys are legally payable, and they shall in respect of such moneys have all the powers vested in the court by the thirty-seventh section of the Landlord and Tenant (Ireland) Act, 1870, in respect of the distribution of purchase moneys, in the same manner as if the moneys so payable to the landlord were purchase moneys.

33 & 34 Vict. c. 46.

The Land Commission shall not be subject to be restrained in the execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.

The Land Commission may of its own motion, or shall on the application of any party to any proceeding pending before it unless it considers such application frivolous and vexatious, state a case in respect of any question of law arising in such proceedings, and refer the same for the consideration and decision of Her Majesty's Court of Appeal in Ireland.

Delegation of powers of Land Commission. 44 & 45 Vict. c. 49.

5. The Land Commission may from time to time by rule under this Act or by any special order delegate any power or duty under this Act, except the power of making rules or appointments, to the Civil Bill Court or to any Sub-Commission, or any member of the Land Commission or any member of a Sub-Commission, being a barrister-at-law or solicitor, and every Court, Sub-Commission, or member of the Land Commission or Sub-Commission to whom such power or duty shall be delegated, shall, in reference thereto, and subject to an appeal on matter of law to the Land Commission, on and in such conditions and circumstances as may be prescribed, have all the powers of the Land Commissioners.

The Land Commission may, from time to time, with the assent of the Treasury, appoint fit persons possessing such qualifications as may be prescribed by the Treasury to investigate and report as to the existence or non-existence in the case of holdings of the preliminary conditions required to be proved for the purpose of orders under this Act and as to the values of such holdings, and the Land Commission may adopt any such report, or any part thereof, as may seem expedient, and may from time to time direct a fresh investigation to take place, or may themselves take evidence in respect of the subject matter of such investigation.

Any person or persons appointed in pursuance of this section may for the purposes of the investigation administer an oath.

The Commissioners of Her Majesty's Treasury may be represented on any inquiry under this Act by any person nominated by them for such purpose.

Incorporated provisions of 33 & 34 Vict c. 46.

6. In the case of any persons interested in any matter arising under this Act, the provisions of sections fifty-nine, sixty, and sixty-one of the Landlord and Tenant (Ireland) Act, 1870, as to administration on the death of a tenant, and as to provision for married women, and as to provision for other persons under disability, shall apply to any proceedings under this Act in the same manner as if the said sections were herein enacted, and in terms made applicable to this Act.

7. If in any proceeding under this Act any person concerned in such proceeding as principal or agent, with intent to substantiate a false claim, suppresses, attempts to suppress, or is privy to the suppression of any document, or of any fact, or produces or is privy to the production of any false evidence, the person so offending shall be guilty of a misdemeanour, and upon conviction shall be liable, in the discretion of the court, either to imprisonment for a term not exceeding two years, with or without hard labour, or to a fine not exceeding five hundred pounds

Punishment of fraudulent claim.

Any sum paid by the Land Commission in respect of any false claim shall be a debt due to the Crown from the person on behalf of whom it is paid.

8. Any liabilities incurred by the Land Commission on account of payments to landlords in respect of arrears of rent under this Act shall be primarily a charge on the Irish Church Temporalities Fund, and, subject thereto, on the Consolidated Fund in such manner as may hereafter be provided by Parliament

Charge of liabilities under Act on Irish Church Temporalities Fund and Consolidated Fund.

The Irish Church Temporalities Fund means the fund under the control of the Land Commission under the provisions of the Irish Church Act Amendment Act, 1881

44 & 45 Vict c. 71.

9. The expression "landlord" in relation to a holding means, for the purposes of this Act, any person for the time being entitled to receive the rents and profits of such holding.

Definition of landlord

10. An application under this Act shall not be made by any landlord or tenant after the last day of December one thousand eight hundred and eighty-two, except by leave of the Land Commission, and in no case after the thirtieth day of April one thousand eight hundred and eighty-three, and the Land Commission shall grant such leave only in cases where it is proved to their satisfaction that injustice would be done in case leave were refused.

Limit of time

11. An order under this Act shall not be made in the case of a holding the tenant of which is possessed of two or more holdings in Ireland to which the Land Law (Ireland) Act, 1881, applies, and the valuation of which under the Acts relating to the valuation of rateable property in Ireland amounts in the whole to more than thirty pounds a year.

Exclusion of tenants of holdings of an aggregate valuation exceeding thirty pounds

And the question as to whether the tenant of any holding in respect of which an application may be made under this Act is or is not possessed of such holdings as are in this section in that behalf mentioned may be investigated and reported on by any person appointed under this Act to investigate and report on the preliminary conditions for an order under this Act.

12. Where a holding, as defined by the Land Law (Ireland) Act, 1881, is not separately valued, but forms part of a larger parcel of land valued as one tenement under the Acts relating to the valuation of rateable property in Ireland, such holding shall be deemed to be a separate holding for the purposes of this Act, and to be valued under the said Acts at such proportion of the sum at which the whole of the said tenement is valued as the rent of the holding bears to the rent of the whole of the said tenement

Holding valued as part of larger tenement

13. Where any proceedings for the recovery of the rent of a holding to which this Act applies, or for the recovery of such holding for nonpayment of rent on account of the rent in respect

Suspension of proceedings.

of the year expiring as aforesaid and antecedent arrears, have been taken before or after an application under this Act in respect of such holding, and are pending before such application is disposed of, the court before which such proceedings are pending shall, if the provisions of section one, sub-section (*a.*), have been complied with, and on such terms and conditions as the court may direct, postpone or suspend such proceedings until the application under this Act has been disposed of.

Evidence.

14. Evidence required for the purposes of this Act shall, whenever practicable, be taken upon oath, and may be either oral or by affidavit, and affidavits of the landlord, or his agent, and the tenant may be accepted as primâ facie evidence of all or any of the preliminary conditions or other matters.

Affidavits for the purposes of this Act may be taken and sworn before any person authorised by this or any other Act to administer an oath.

Cancellation of certain rent-charges under 44 & 45 Vict. c. 49. s 59 in repayment of advances for arrears of rent.

15. Whereas by section fifty-nine of the Land Law (Ireland) Act, 1881, it is provided, that where it appeared to the court, on the joint application made on or before the twenty-eighth day of February one thousand eight hundred and eighty-two, of the landlord and tenant of any holding valued at a sum not exceeding thirty pounds a year, that the tenant had paid the whole of the rent payable in respect of the year of the tenancy expiring on the gale day next before the twenty-second day of August one thousand eight hundred and eighty-one, and that antecedent arrears were due, the Land Commission might make in respect of such antecedent arrears an advance of a sum not exceeding one year's rent of the holding and not exceeding half the antecedent arrears, and thereupon the court should by order declare the holding to be charged with the repayment to the Land Commission of the said advance by a rent-charge payable and calculated as in the said section mentioned:

And whereas in pursuance of the said section divers advances have been made in respect of the arrears of rent on divers holdings, and such holdings have been charged with the repayment of the said advances by such rentcharges as in the said section mentioned, and it is expedient to amend the said section: Be it therefore enacted as follows:

Where in pursuance of section fifty-nine of the Land Law (Ireland) Act, 1881, an advance has been made, before the passing of this Act, towards the payment of the arrears due in respect of any holding, and a rentcharge has been charged on such holding for the repayment of such advance, the Land Commission, if it is proved to their satisfaction on the application of either the landlord or the tenant of the holding that the tenant was, at the date of the said advance being made, unable to discharge the arrears in respect of which the advance was made, may by order cancel the said rent-charge, and the same shall cease to be payable, whether by the landlord or the tenant, as from the last day appointed for payment of the same next before the date of the order, and the amount of the said advance shall be a charge on the Irish Church Temporalities Fund.

Arrears of rent how dealt with

16. Where it appears to the Land Commission, on the joint application of the landlord and tenant of any such holding valued

at a sum not exceeding fifty pounds a year, that the tenant has paid the whole (or such sum as the landlord may be willing to accept in full discharge of the whole) of the rent payable in respect of the year of the tenancy expiring as aforesaid, and that the tenant has obtained a receipt in full for such rent, and that antecedent arrears are due, the Land Commission may make to the landlord, in respect of such antecedent arrears, an advance of a sum not exceeding one year's rent of the holding, and not exceeding half the antecedent arrears, and thereupon the court shall by order declare the holding to be charged with the repayment of the advance to the Land Commission, by a rentcharge payable half-yearly on the first day of January and the first day of July during the thirty-five years from the date specified in the order, and calculated at the rate of five pounds by the hundred, by the year, of the advance.

The charge declared by the order as aforesaid shall have priority over all charges affecting the holding, except quit-rent and crown rent, and sums payable to the Commissioners of Public Works, and shall be payable by the tenant of the holding for the time being, and shall be levied and collected in manner herein-after provided; and in the event of the tenant failing to pay any half-yearly instalment of the said charge for the space of twelve months after the same shall have accrued due, then and in every such case the amount of such instalments, together with the entire of the unpaid residue of such charge, with interest as ascertained by the Land Commission, shall forthwith be payable by the tenant, and the amount thereof shall be raised by sale of the tenancy in the prescribed manner.

The half-yearly instalments of such charge shall be from time to time collected by the collector authorised to collect poor rate in the electoral division in which such holding is situate; and for the purpose of such collection every collector shall have all such powers and authorities as he shall for the time being possess for collecting and recovering poor rate, and shall and may collect and levy the same accordingly from the tenant liable to pay the same, notwithstanding that such tenant may not be liable to pay poor rate.

For the purpose of such collection the Land Commission shall, in each half-year, transmit to the clerk of every union, within which any holding or holdings charged as aforesaid shall be situate, a warrant under the seal of the Land Commission, setting forth the names of the tenants within such union liable to pay such charges or the instalments thereof, and the amount due by each respectively, and such warrant shall be judicially noticed in all proceedings in court, and shall be conclusive evidence of the arrears due by such tenants respectively, and of their liability to pay the same.

The collector shall be paid by the Land Commission such remuneration, not exceeding one shilling in the pound of his collection, as the Land Commission, with the consent of the Treasury, may determine, and the clerk of the union may be paid such remuneration (if any) as the Land Commission may with the like consent determine.

Every such collector shall pay and account for the sums collected or collectable by him under this Act to the guardians of the union in which such holding is situate in the prescribed form; and the

guardians shall transmit the amounts from time to time received by them as aforesaid to the Land Commission under the prescribed regulations.

In the event of such default by the tenant for the space of twelve months as aforesaid, it shall be lawful for the county court of the county in which the holding is situate, on the application of the Land Commission, to order a sale of such tenancy, which shall be sold, and the proceeds of such sale dealt with by the said county court in the prescribed manner.

If the proceeds of any such sale fail to realise the amount ascertained by the Land Commission as aforesaid, together with the cost of sale, the amount of the deficiency shall be paid by the landlord of the said holding, and shall be a charge upon his estate and interest therein, and shall be collected and levied in the prescribed manner: Provided, that on any transfer of the tenant's interest in the holding by sale, the principal sum and interest, if any, remaining due to the Land Commission, shall be paid out of the purchase money to the Land Commission.

On the order of the Land Commission being made as aforesaid in relation to any holding such antecedent arrears shall be deemed to be absolutely released.

The landlord and tenant may agree that any rent paid by the tenant in or subsequent to the year expiring as aforesaid shall be deemed, for the purposes of this section, to have been paid in respect of the rent due for that year, and not in respect of arrears of rent.

Where arrears of rent in respect of a holding are due to some person or persons besides the landlord the advance made under this section shall be rateably distributed amongst the persons entitled thereto.

An application for an advance under this section shall not be made after the periods mentioned in the tenth clause aforesaid.

The omission or refusal by either landlord or tenant of any holding to join with the other of them in obtaining a loan from the Land Commission under this section shall not prejudice any other application or proceeding which either of them may make or institute under this Act or the Landlord and Tenant (Ireland) Act, 1870, or the Land Law (Ireland) Act, 1881, in relation to such holding.

The Land Commission shall, at such time after the expiration of each period of twelve months as the Treasury may from time to time appoint, make up an account showing for the said period of twelve months the amount of all such payments due to them in respect of rentcharges payable to them under this section as they have failed to recover at the expiration of the said period.

Whenever, in the case of any tenant evicted for nonpayment of rent, or in case the holding of the tenant has been sold and purchased by the landlord, and possession taken thereof by him, since the first day of May one thousand eight hundred and eighty, the landlord agrees to reinstate such tenant on the terms in this section set forth, this section shall apply as if such tenant had not been so evicted from his holding.

Exemption in respect of public charges upon arrears of

17. Where, in the case of a holding of which any person is owner, antecedent arrears of rent due in respect of any year or years, or portion of a year, have been extinguished in pursuance of this Act,

and any public charge or tax accrued during such year or years or portion of year or years, is due from such person as or in consequence of his being owner of such holding then on proof to the satisfaction of the Land Commission that the owner has during such time as aforesaid, received no rent, or an amount of rent less than the full rent such public charges or taxes shall, if no rent has been received be wholly remitted, and if an amount of rent less than the full rent has been received, be remitted in proportion to the amount of rent not received

rent extinguished

Where a person has paid any public charges or taxes which, if not paid, would be remitted under this section, the amount which would have been so remitted shall be allowed as a deduction from any future payment or payments of the public charges or taxes of the same description, or may be recovered as a debt from the authority to whom it may have been paid

Any payment which an owner may receive under this Act in respect of arrears of rent shall, for the purposes of this section, be taken into account as rent

The Land Commission shall ascertain, for the purposes of this section, in such manner as they think best calculated to ascertain the truth, the amount of public charges or taxes due in any year or portion of a year from a person as or in consequence of his being owner of a holding

"Public charges or taxes" means tithe rentcharge payable to the Land Commission, income tax, quit rent, or any of such charges or taxes

PART III

Emigration

18. From and after the passing of this Act, the board of guardians of any union in Ireland are authorised to borrow money for the purpose of defraying or assisting to defray the expenses of the emigration of poor persons resident within their union, or any electoral division thereof, in manner provided by the Poor Law Amendment (Ireland) Act 1849, as amended by subsequent Acts, subject to the following modifications, (that is to say),

Power of guardians to borrow for emigration

12 & 13 Vict. c 104

(1) The provisions of the said Act in relation to the repayment of the advance by annual instalments shall not apply,

(2) The advances may be made by the Commissioners of Public Works out of any moneys granted to them for the purpose of loans in place of the Public Works Loans Commissioners,

(3) Every such advance made by the Commissioners of Public Works shall bear interest at the rate of three-and-a-half per centum per annum, or at such other rate as the Treasury may from time to time fix, in order to enable the advance to be made without loss to the Exchequer,

(4) Every such advance made by the Commissioners of Public Works, and the interest thereon, shall be repaid within such period from the date of the advance, not being less than fifteen years nor more than thirty years, as the Treasury may from time to time fix

For the purposes of this Act the Poor Law Amendment (Ireland) Act, 1849, means the Act of the session of the twelfth and thirteenth

years of the reign of Her present Majesty, chapter one hundred and four.

Orders for payment of loans may be made by Local Government Board.

19. If at any time the Commissioners of Public Works in Ireland certify that any sum remains due to them from the board of guardians of any union on account of any loan or advance made under this Act, and is then payable to the Commissioners, the Local Government Board shall, by order under their seal, require the guardians of the union to pay the sum so certified, and shall send copies of such order to the board of guardians and to the treasurer of the union; and thereupon the treasurer of the union shall, out of any money then in his hands to the credit of the guardians, or if such money is insufficient for the purpose, then out of all moneys subsequently received by him on account of the guardians, pay over the amount mentioned in the order to the Commissioners of Public Works. The guardians of the union shall debit the several electoral divisions with such proportions of that sum as may be payable by such electoral divisions respectively.

Grants in aid of emigration.

20. The Treasury may from time to time authorise the Commissioners of Public Works to make, subject to the regulations of the Treasury, grants to the board of guardians of any union, or such other body or persons and on such terms as the Lord Lieutenant may approve, for emigration purposes.

The moneys so granted shall be applied in accordance with the said regulations for the same purposes as moneys borrowed under the provisions of this Act.

The sums granted by the Commissioners of Public Works shall not exceed one hundred thousand pounds in the whole, and the sums granted shall not exceed five pounds per each person.

Such grants shall only be made for the benefit of the unions mentioned in the second schedule to this Act, and of such other unions or electoral divisions as may from time to time be settled by the Local Government Board, with the consent of the Lord Lieutenant: Provided that such unions are situate wholly or in part in some county specified in the schedule to the public notice issued by the Commissioners of Public Works in Ireland on the twenty-second day of November one thousand eight hundred and seventy-nine, that is to say, the counties of Donegal, Clare, Cork (West Riding), Kerry, Galway, Leitrim, Mayo, Roscommon, and Sligo.

Each grant shall only be made on the recommendation of the Lord Lieutenant, stating that the Lord Lieutenant is satisfied that the guardians of the union are unable, without unduly burdening the ratepayers, to make adequate provision, by borrowing under the powers conferred upon them by this Act, or otherwise, for the emigration purposes of the union, and that proper arrangements have been made for securing the satisfactory emigration of such persons.

The money required for the purpose of grants under this section shall be paid by the Land Commission to the Commissioners of Public Works, and shall be part of the liabilities of the Land Commission, and be a charge primarily upon the Irish Church Temporalities Fund, and, subject thereto, on the Consolidated Fund, in such manner as may be provided by Parliament.

21. The Lord Lieutenant may from time to time make provision that arrangements shall be made for securing the satisfactory emigration of persons for whom means of emigration are provided under this Act, by prescribing rules in relation to such matters, and for the employment of special agents for that purpose, and otherwise as he thinks expedient And any grants made under this Act for emigration purposes shall be applicable to defraying the expenses of such arrangements in such manner as the Lord Lieutenant directs

Rules

22. In addition to the three persons named as commissioners in the Land Law (Ireland) Act, 1881, the Right Honourable the Viscount Monck is hereby constituted a member of the Irish Land Commission, at a salary of three thousand pounds a year and for the term of two years from the passing of this Act

Power to appoint an additional member of the Land Commission

Save as aforesaid, the provisions of the Land Law (Ireland) Act, 1881, which relate to the members of the Irish Land Commission, other than the Judicial Commissioner, shall apply to the said the Right Honourable the Viscount Monck, and to every person appointed as herein after provided to a vacancy in his office, as if he had been named in the said Act a member of the Land Commission other than the Judicial Commissioner

If and so often as during the said term of two years any vacancy occurs in the office of the said the Right Honourable the Viscount Monck by the death, resignation, inability to act, or otherwise, of the said the Right Honourable the Viscount Monck, or any person appointed in his place, Her Majesty may by warrant under the sign manual appoint some fit person to fill such vacancy, but the person so appointed shall only continue in office until the expiration of the said term of two years Provided, that any act or matter which under the said Act shall be done or performed, or may be done or performed by three Land Commissioners sitting together, shall and may after the passing of this Act be in like manner done or performed by three of the Land Commissioners

23. The Land Commission shall from time to time circulate forms of application and directions as to the mode in which applications are to be made under this Act, and may from time to time make, and when made may rescind, amend, or add to, rules with respect to the following matters, or any of them

Rules for carrying Act into effect

(1) The tribunal, whether Land Commission, civil bill court, sub-commission, or member of the Land Commission or a sub-commission by which such applications are to be heard

(2) The mode of making applications under this Act, and the manner in which the tenant shall set out any property or effects of which such tenant may be possessed or entitled to, and which would be applicable to the satisfaction of any arrears of rent, and the conduct of proceedings before any tribunal hearing applications under this Act

(3) The conditions and circumstances on and in which appeals may be had to the Land Commission where applications have not been heard by the Land Commission

(4) The mode in which the expenses of hearing any application under this Act or of any appeal are to be defrayed:

(5.) The attendance and discharge of duties by the officers of the civil bill courts before the Land Commission and sub-commissions when holding sittings under this Act:

(6.) The service of notices on persons interested, and any other matter by this Act directed to be prescribed:

(7.) The mode of collecting, suing for, recovering, and accounting for charges and instalments of charges, and the procedure for the sale of tenancies to raise the amount of such charges, and for dealing with the proceeds of such sales under this Act:

(8.) As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may seem to the Land Commission expedient to make rules for the purpose of carrying this Act into effect.

Any rules made in pursuance of this section shall be of the same force as if enacted in this Act, and shall be judicially noticed.

Short title of Act.

24. This Act may be cited for all purposes as the Arrears of Rent (Ireland) Act, 1882.

SCHEDULES.

FIRST SCHEDULE.

Powers of Land Law (Ireland) Act, 1881, referred to—
Section 48 (3).
Section 49.

SECOND SCHEDULE.

Unions.

Belmullet.
Newport.
Swinford.
Clifden.
Oughterard.

CHAPTER 48.

An Act to consolidate the Acts relating to the Reserve Forces. [18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Reserve Forces Act, 1882.

Commencement of Act.

2. This Act shall come into operation on the first day of January one thousand eight hundred and eighty-three, which day is in this Act referred to as the commencement of this Act.

PART I.

ARMY RESERVE.

Establishment of army reserve.

3. It shall be lawful for Her Majesty to keep up a force in the United Kingdom, called the army reserve, to consist of two classes, as follows:—

Class I.—The first class shall consist of such number of men as may from time to time be provided by Parliament, and shall be liable, when called out on permanent service, to serve either in the United Kingdom or elsewhere, and shall consist of men who, having served in any of Her Majesty's regular forces, may either be transferred to the reserve in pursuance of the Army Act 1881, or be enlisted or re-engaged in pursuance of this Act. 44 & 45 Vict. c. 58.

For the purpose of establishing a supplemental reserve it shall be lawful for Her Majesty to direct that the first class of the army reserve shall consist of two divisions, and in the event of such direction being given men in the second division shall not be liable to be called out on permanent service until directions have been given for calling out the whole of the first division on such service.

Class II.—The second class shall consist of such number of men as may from time to time be provided by Parliament, and shall be liable, when called out on permanent service, to serve in the United Kingdom only, and shall consist of men who—

(*a.*) being out-pensioners of Chelsea Hospital, or (on account of service in the Royal Marines) out-pensioners of Greenwich Hospital; or

(*b.*) having served in any of Her Majesty's regular forces for not less than the full term of their original enlistment,

may be enlisted or re-engaged in pursuance of this Act.

Procedure and term of service on enlistment or re-engagement.

4. Every man who enters the army reserve—

(*a.*) If he enters otherwise than by transfer to the reserve in pursuance of the Army Act 1881, shall be enlisted; and

(*b.*) If he is re-engaged in the army reserve, shall be re-engaged, in such manner, and for a term of such length, and to begin at such date, as may be prescribed.

Calling out army reserve in aid of the civil power.

5. (1.) It shall be lawful for a Secretary of State, at any time when occasion appears to require, to call out the whole or so many as he thinks necessary of the men belonging to the army reserve, to aid the civil power in the preservation of the public peace.

(2.) It shall be lawful for any officer commanding Her Majesty's forces in any town or district, on the requisition in writing of any justice of the peace, to call out for the purpose aforesaid the men belonging to the army reserve who are resident in such town or district, or such of them as he may think necessary.

(3.) Any power by this section vested in a Secretary of State may as regards men resident in Ireland be exercised also by the Lord Lieutenant.

Punishment of certain offences by army reserve men.

6. (1.) Where a man belonging to the army reserve—

(*a.*) Fails without reasonable excuse on two consecutive occasions to comply with the orders or regulations in force under this Act with respect to the payment of the army reserve; or

(*b.*) When required by or in pursuance of the orders or regulations in force under this Act to attend at any place, fails without reasonable excuse to attend in accordance with such requirement; or

(*c.*) Uses threatening or insulting language, or behaves in an insubordinate manner, to any officer or warrant or non-com-

missioned officer who in pursuance of the orders or regulations in force under this Act is acting in the execution of his office, and who would be the superior officer of such man if such man were subject to military law; or

(*d.*) By any fraudulent means obtains or is accessory to the obtaining of any pay or other sum contrary to the orders or regulations in force under this Act; or

(*e.*) Fails without reasonable excuse to comply with the orders or regulations in force under this Act,

he shall be guilty of an offence.

(2.) A man belonging to the army reserve who commits an offence under this section, whether otherwise subject to military law or not, shall be liable as follows; that is to say,

(*a.*) be liable to be tried by court-martial, and on conviction to suffer imprisonment, or such less punishment as in the Army Act 1881 mentioned; or

(*b.*) be liable to be convicted by a court of summary jurisdiction, and to be sentenced to a fine of not less than forty shillings and not more than twenty-five pounds, and in default of payment to imprisonment, with or without hard labour, for any term not less than seven days and not more than the maximum term allowed by law for nonpayment of the fine;

and may in any case be taken into military custody.

(3.) Where a man belonging to the army reserve commits in the presence of any officer any offence under this section, or any offence under sub-section two or sub-section three of section one hundred and forty-two of the Army Act 1881 (relating to the punishment of personation), that officer may, if he thinks fit, order such man, in lieu of being taken into military custody, to be taken into custody by any constable, and brought before a court of summary jurisdiction for the purpose of being dealt with by that court.

(4.) A certificate purporting to be signed by an officer who is therein mentioned as an officer appointed to pay a man belonging to the army reserve, and stating that such man has failed on two consecutive occasions to comply with the orders or regulations in force under this Act with respect to the payment of the army reserve, shall, without proof of the signature or appointment of such officer, be evidence of such failure.

(5.) Where a man belonging to the army reserve is required by or in pursuance of the orders or regulations in force under this Act to attend at any place, a certificate purporting to be signed by an officer or person who is mentioned in such certificate as appointed to be present at such place for the purpose of inspecting men belonging to the army reserve, or for any other purpose connected with such reserve, and stating that the man failed to attend in accordance with the said requirement, shall, without proof of the signature or appointment of such officer or person, be evidence of such failure.

Men exempt from parish offices, &c.

7. A man belonging to the army reserve shall not be liable to serve the office of constable, or any other parochial, township, or borough office.

PART II.

MILITIA RESERVE.

8. (1.) It shall be lawful for Her Majesty to keep up a force in the United Kingdom called the militia reserve, consisting of such number of men as may from time to time be provided by Parliament. Establishment of militia reserve.

(2.) A Secretary of State may cause to be enlisted from time to time in the militia reserve such militiamen as are willing to enlist themselves, not exceeding the prescribed number (if any) out of any particular corps.

9. (1.) Every man enlisted in the militia reserve shall be enlisted to serve either for six years or for the residue of the term of his militia engagement. Term of service, and re-engagement.

(2.) A man in the militia reserve who is re-engaged as a militiaman may also be re-engaged in the militia reserve for the prescribed period, not exceeding the term for which he is re-engaged as a militiaman.

10. (1.) A man belonging to the militia reserve shall, subject to the provisions of this Act, continue to be for all purposes a militiaman, and if he has enlisted in the militia reserve for a period which will expire subsequently to the expiration of his militia engagement he shall be deemed to have enlisted in the militia for such longer period. Effect of enlistment on position as militiaman.

(2.) A Secretary of State may in his discretion at any time discharge a man belonging to the militia reserve from his engagement, and a man so discharged shall thenceforth for the remainder of his engagement in the militia reserve be a militiaman only, and may be discharged from the militia or otherwise dealt with accordingly.

(3.) When a man has enlisted in the militia reserve, his place in the militia shall not be deemed vacant until directions are given for calling him out on permanent service, but when such directions are given his place shall be deemed vacant, and shall be filled in manner provided by law with respect to vacancies in the militia.

(4.) When a man who has been so called out is released from permanent service on the ground of his services being no longer required, he shall again become for the remainder (if any) of his engagement a militiaman in the corps to which he previously belonged, with rank and pay not lower than he was entitled to before he entered on permanent service; and if there is no vacancy, he shall be deemed to be a supernumerary until there is a vacancy.

PART III.

GENERAL.

Annual Training and Calling out on Permanent Service of Reserves.

11. (1.) All or any of the men belonging to the army reserve and the militia reserve respectively may be called out for annual training at such time or times, and at such place or places within the United Kingdom, and for such period or periods, as may be prescribed, not exceeding in any one year, in the case of a man belonging Annual training of reserve forces

to the army reserve twelve days or twenty drills, and in the case of a man belonging to the militia reserve fifty-six days.

(2.) Every man so called out may during his annual training be attached to and trained with a body of the regular or auxiliary forces.

(3.) The annual training under this section of a man belonging to the militia reserve shall be in substitution for the annual training to which he is liable as a militiaman.

Calling out reserve forces on permanent service.

12. (1.) In case of imminent national danger or of great emergency, it shall be lawful for Her Majesty in Council by proclamation, the occasion being first communicated to Parliament, if Parliament be then sitting, or declared in Council and notified by the proclamation, if Parliament be not then sitting, to order that the army reserve and the militia reserve, or either of them, shall be called out on permanent service.

(2.) It shall be lawful for Her Majesty by any such proclamation to order a Secretary of State from time to time to give, and when given to revoke or vary, such directions as may seem necessary or proper for calling out the forces or force mentioned in the proclamation, or all or any of the men belonging thereto.

(3.) Every such proclamation and the directions given in pursuance thereof shall be obeyed as if enacted in this Act, and every man for the time being called out by such directions shall attend at the place and time fixed by those directions, and at and after that time shall be deemed to be called out on permanent service.

(4.) A proclamation under this section shall for the purposes of the Army Act 1881 be deemed to be a proclamation requiring soldiers in the reserve to re-enter upon army service.

Assembly of Parliament when reserve forces ordered to be called out on permanent service.

13. Whenever Her Majesty orders the army reserve and militia reserve, or either of them, to be called out on permanent service, if Parliament be then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

Service of reserve men called out.

14. (1.) A man belonging to either of the reserve forces when called out on permanent service shall be liable to serve until Her Majesty no longer requires his services, so, however, that he shall not be required to serve for a period exceeding in the whole the remainder unexpired of his term of service in the reserve force to which he belongs, and any further period not exceeding twelve months during which as a soldier of the regular forces he can, under section eighty-seven of the Army Act 1881, be detained in service after the time at which he would otherwise be entitled to be discharged.

(2.) A man called out on permanent service shall during his service form part of the regular forces, and be subject to the Army Act 1881 accordingly, and the competent military authority within the meaning of Part Two of that Act may, if it seems proper, appoint him to any corps as a soldier of the regular forces, and the competent military authority within the meaning of the said Part Two may within three months after such appointment transfer him to

any other corps of the regular forces, so, however, that he shall not without his consent be appointed or transferred to a corps which is not in the arm or branch in which he previously served.

(3.) Nothing in this section shall render a man in the second class of the army reserve liable to serve out of the United Kingdom, and such man may from time to time be transferred from one corps to another for the purpose of securing his non-liability to service out of the United Kingdom.

Punishment for non-attendance for annual training or permanent service, &c.

15. (1.) When a man belonging to the army or militia reserve is called out for annual training or on permanent service, or when a man belonging to the army reserve is called out in aid of the civil power, and such man, without leave lawfully granted or such sickness or other reasonable excuse as may be allowed in the prescribed manner, fails to appear at any time and place at which he is required upon such calling out to attend, he shall—

(*a.*) If called out on permanent service, or in aid of the civil power, be guilty, according to the circumstances, of deserting within the meaning of section twelve, or of absenting himself without leave within the meaning of section fifteen, of the Army Act 1881; and

(*b.*) If called out for annual training, be guilty of absenting himself without leave within the meaning of section fifteen of the Army Act 1881.

(2.) A man belonging to the army or militia reserve who commits an offence under this section, or under section twelve or section fifteen of the Army Act 1881, whether otherwise subject to military law or not, shall be liable as follows; that is to say,

(*a.*) be liable to be tried by court-martial, and convicted and punished accordingly; or

(*b.*) be liable to be convicted by a court of summary jurisdiction, and to be sentenced to a fine of not less than forty shillings and not more than twenty-five pounds, and in default of payment to imprisonment, with or without hard labour, for any term not less than seven days and not more than the maximum term allowed by law for nonpayment of the fine;

and may in any case be taken into military custody.

Supplemental provisions as to deserters and absentees.

16. (1.) Section one hundred and fifty-four of the Army Act 1881 shall apply to a man who is a deserter or absentee without leave from the army or militia reserve within the meaning of this Act in like manner as it applies to a deserter in that section mentioned, and a man who under that section is delivered into military custody or committed for the purpose of being so delivered may be tried as provided by this Act.

(2.) Any person who falsely represents himself to be a deserter or absentee without leave from the army or militia reserve shall be liable, on conviction by a court of summary jurisdiction, to imprisonment, with or without hard labour, for a term not exceeding three months.

Punishment for inducing reserve man to desert or absent himself.

17. (1.) Any person who by any means whatsoever—

(*a.*) Procures or persuades any man belonging to the army or militia reserve to commit an offence of absence without leave within the meaning of this Act, or attempts to procure or

persuade any man belonging to the army or militia reserve to commit such offence; or

(*b.*) Knowing that a man belonging to the army or militia reserve is about to commit an offence of absence without leave within the meaning of this Act, aids or assists him in so doing; or

(*c.*) Knowing any man belonging to the army or militia reserve to be an absentee without leave within the meaning of this Act, conceals such man, or aids or assists him in concealing himself, or employs or continues to employ him, or aids or assists in his rescue;

shall be liable, on conviction by a court of summary jurisdiction, to a fine not exceeding twenty pounds.

(2.) Section one hundred and fifty-three of the Army Act 1881 shall apply as if a man belonging to the army or militia reserve were a soldier, and as if the word "desert" and other words referring to desertion included desertion within the meaning of this Act as well as desertion within the meaning of the Army Act 1881; and any person who, knowing any man belonging to the army or militia reserve to be a deserter within the meaning of this Act or of the Army Act 1881, employs or continues to employ such man, shall be deemed to aid him in concealing himself within the meaning of the said section.

Supplemental.

Attestation of men enlisting in reserve forces.

18. (1.) Subject to the provisions of this Act, and save as is otherwise prescribed, a man enlisting in the army or militia reserve shall be attested in the same manner as a recruit in the regular forces, and the following sections of the Army Act 1881; (that is to say)—

Section eighty (relating to the mode of enlistment and attestation);

Section ninety-eight (imposing a fine for unlawful recruiting);

Section ninety-nine (making recruits punishable for false answers);

Section one hundred (relating to the validity of attestation and enlistment, or re-engagement);

Section one hundred and one (relating to the competent military authority); and

So much of section one hundred and sixty-three as relates to an attestation paper, or a copy thereof, or a declaration, being evidence,

shall apply in like manner as if they were herein re-enacted, with the substitution—

(*a.*) Of "man," or, if the context so requires, "reserve man," for "soldier," and of "army reserve or militia reserve, as the case may be," for "regular forces"; and

(*b.*) In section one hundred, so far as relates to the militia reserve, of "one whole period of annual training" for "three months."

(2.) A man so enlisting may be attested by a regular officer, or by a militia officer, and the sections of the Army Act 1881 in this section mentioned, and also section thirty-three of the same Act, shall, as applied to the army or militia reserve, be construed as if a justice of the peace in those sections included such an officer.

19. (1) Where a man belonging to the army reserve or militia reserve is subject to military law, and is illegally absent from his duty, a court of inquiry under section seventy two of the Army Act 1881 may be assembled after the expiration of twenty-one days from the date of such absence, notwithstanding that the period during which such man was subject to military law is less than twenty-one days, or has expired before the expiration of twenty-one days, and the record mentioned in that section may be entered in manner thereby provided, or in such regimental books and by such officer as may be prescribed

Record of illegal absence of reserve man

(2) Where a man belonging to the army reserve or militia reserve fails to appear at the time and place at which he is required upon being called out for annual training or on permanent service to attend and his absence continues for not less than fourteen days, an entry of such absence shall be made by the prescribed officer in the prescribed manner and in the prescribed regimental books and such entry shall be conclusive evidence of the fact of such absence

20. (1) Subject to the provisions of this Act it shall be lawful for Her Majesty, by order signified under the hand of a Secretary of State, from time to time to make, and when made revoke and vary, orders with respect to the government, discipline, and pay of the army reserve and the militia reserve or either of them, and with respect to other matters and things relating to the army reserve and the militia reserve or either of them, including any matter by this Act authorized to be prescribed, or expressed to be subject to orders or regulations

Orders and regulations as to reserve forces

(2) Subject to the provisions of any such order a Secretary of State may from time to time make and when made revoke and vary general or special regulations with respect to any matter with respect to which Her Majesty may make orders under this section

(3) Where a man entered the army or militia reserve before the date of any order or regulation made under this Act, nothing in such order or regulation shall render such man liable, without his consent, to be appointed transferred, or attached to any military body to which he could not without his consent, have been appointed transferred, or attached if the said order or regulation had not been made

(4) All orders and general regulations made under this Act shall be laid before both Houses of Parliament as soon as practicable after they are made, if Parliament be then sitting, or if Parliament be not sitting, then as soon as practicable after the beginning of the then next session of Parliament

21. (1) Any power or jurisdiction given to, and any act or thing to be done by, to, or before any person holding any military office may in relation to the reserve forces be exercised by or done by to, or before any other person for the time being authorized in that behalf according to the custom of the service

Exercise of powers vested in holder of military office

(2) Where by this Act, or by any order or regulation in force under this Act, any order is authorized to be made by any military authority, such order may be signified by an order instruction or letter under the hand of any officer authorized to issue orders on behalf of such military authority, and an order, instruction, or

letter purporting to be signed by any officer appearing therein to be so authorized shall be evidence of his being so authorized.

Pensions of army reserve

22. Where, either before or after the passing of this Act, a man in the army reserve has been called out on permanent service, and at the termination of such service has been returned to the army reserve, and has become entitled to pension under any order or regulation in force under this Act (whether made before or after such calling out or return), the Commissioners of Chelsea Hospital shall have the same power to award and pay the said pension, and otherwise in relation to the said pension, as they would have if such man had been discharged from the army on reduction.

Application to reserve forces of enactments respecting exemptions from tolls and conveyance of regular forces.

23. (1.) For the purpose of section one hundred and forty-three of the Army Act 1881, and of all other enactments relating to such duties, tolls, and ferries as are in that section mentioned, officers and men belonging to the army or militia reserve, when going to or returning from any place at which they are required to attend, and for non-attendance at which they are liable to be punished, shall be deemed to be officers and soldiers of Her Majesty's regular forces on duty.

(2.) All enactments for the time being in force concerning the conveyance by railway or otherwise of any part of the regular forces, and their baggage, stores, arms, ammunition, and other necessaries and things, shall apply as if the army and militia reserve were such part of the regular forces.

Notices.

24. With respect to notices required in pursuance of the orders or regulations in force under this Act to be given to men belonging to the army or militia reserve, the following provisions shall have effect:

(1.) A notice may be served on any such man either by being sent by post to his last registered place of abode, or by being served in the prescribed manner;

(2.) Evidence of the delivery at the last registered place of abode of a man belonging to the army or militia reserve of a notice, or of a letter addressed to such man and containing a notice, shall be evidence that such notice was brought to the knowledge of such man;

(3.) The publication of a notice in the prescribed manner in the parish in which the last registered place of abode of a man belonging to the army or militia reserve is situate shall be sufficient notice to such man, notwithstanding that a copy of such notice is not served on him;

(4.) Every constable, overseer of the poor, and inspector of the poor shall, when so required by or on behalf of a Secretary of State, conform with the orders and regulations for the time being in force under this Act with respect to the publication and service of notices, and in default shall be liable, on conviction by a court of summary jurisdiction, to a fine not exceeding twenty pounds.

Trial of offences.

25. (1.) Any offence which under this Act is punishable on conviction by court-martial shall for all purposes of and incidental to the arrest, trial, and punishment of the offender, including the summary dealing with the case by his commanding officer, be deemed to be an offence under the Army Act 1881, with this modification, that any reference in that Act to forfeitures and stoppages

shall be construed to refer to such forfeitures and stoppages as may be prescribed

(2) Any offence which under this Act is punishable on conviction by a court of summary jurisdiction may be prosecuted and any fine recoverable on such conviction may be recovered, in manner provided by sections one hundred and sixty six, one hundred and sixty-seven and one hundred and sixty-eight of the Army Act 1881 in like manner as if those sections were herein re-enacted and in terms made applicable to this Act

(3) Save as provided by the said section one hundred and sixty-six, the minimum fixed by this Act for the amount of any fine or for the term of any imprisonment shall be duly observed by courts of summary jurisdiction and shall notwithstanding anything contained in any other Act not be reduced by way of mitigation or otherwise

(4) For all purposes in relation to the arrest trial and punishment of a person for any offence punishable under this Act, including the summary dealing with the case by the commanding officer, this Act shall apply to the Channel Islands and the Isle of Man

Provisions as to offences triable both by court martial and by court of summary jurisdiction

26. With respect to the trial and punishment of men charged with offences which in pursuance of this Act are cognizable both by a court martial and by a court of summary jurisdiction, the following provisions shall have effect —

(1) An alleged offender shall not be liable to be tried both by court-martial and by a court of summary jurisdiction but may be tried by either of such courts according as may be prescribed by orders or regulations under this Act

(2) Proceedings against an alleged offender before either a court-martial or his commanding officer or a court of summary jurisdiction may be instituted whether the term of his reserve service has or has not expired and may notwithstanding anything in any other Act, be instituted at any time within two months after the time at which the offence becomes known to an officer who under the orders or regulations in force under this Act has power to direct the offender to be tried by a court-martial or by a court of summary jurisdiction if the offender is apprehended at that time or if he is not apprehended at that time, then within two months after the time at which he is apprehended, whether such apprehension is by a civil or military authority and any limitation contained in any other Act with respect to the time for hearing and determining an offence shall not apply in the case of any proceedings so instituted

(3) For the purposes of this section the expression "tried by court-martial" shall include "dealt with summarily by his commanding officer."

Evidence

27. (1) Section one hundred and sixty-four of the Army Act 1881 (which relates to evidence of the civil conviction or acquittal of a person subject to military law) shall apply to a man belonging to the army or militia reserve who is tried by a civil court, whether he is or is not at the time of such trial subject to military law

(2) Section one hundred and sixty three of the Army Act 1881 (relating to evidence) shall apply to all proceedings under this Act

Definitions.

28. In this Act, unless the context otherwise requires—

The expression "man" includes a warrant officer not holding an honorary commission, and a non-commissioned officer.

The expression "out-pensioners of Chelsea Hospital" includes all persons whose claims for prospective or deferred pension have been registered in virtue of any warrant of Her Majesty.

The expression "prescribed" means prescribed by orders or regulations in force under this Act

Other expressions have the same meaning as they have in the Army Act 1881

In the Army Act 1881 the expressions "army reserve force" and "militia reserve force" shall respectively mean the army reserve and militia reserve under this Act.

Repeal of Acts

29. The Acts mentioned in the schedule to this Act are hereby repealed as from the commencement of this Act to the extent in the third column of that schedule mentioned:

Provided as follows—

(1) Such repeal shall not revive any enactment, and shall not, save as herein otherwise provided, affect anything previously done or suffered, or any existing right or title, or any remedy in respect thereof, or the proof of any past act.

(2) All orders, warrants, regulations, and directions in relation to the army reserve force or to the militia reserve force which exist at the commencement of this Act shall, so far as consistent with the tenor thereof, be of the same effect as if they were orders or regulations under this Act, and may be revoked or altered accordingly

(3.) Any man who at the commencement of this Act belongs to the first or second class of the army reserve force, or to the militia reserve force, shall continue to belong to the first or second class of the army reserve or to the militia reserve under this Act, as the case may be, in like manner as if he had entered the same in pursuance of this Act

(4.) Where a man belonging to either the army reserve force or the militia reserve force entered such force before the passing of the Regulation of the Forces Act 1881, or before the date of any regulation made under the said Act, nothing in the said Act or regulation or in this Act shall require such man without his consent to serve in or be appointed, transferred, or attached to any military body in or to which he could not have been required without his consent to serve or be appointed, transferred, or attached, if the Regulation of the Forces Act 1881, or this Act, or the said regulation, as the case may be, had not been passed or made, or to serve for any longer period than that for which he was before the passing of the Regulation of the Forces Act 1881, or before the date of such regulation, as the case may be, liable to serve.

44 & 45 Vict c 57

(5.) In the case of any offence committed before the commencement of this Act, if any proceeding for the trial or punishment of the offender has been commenced before the commencement of this Act, such proceeding may be carried on and completed, and the offender may be tried and punished, as if this Act had not passed, but, save as aforesaid, this Act shall apply to the arrest, trial, conviction, and punishment of a person accused of an offence committed

before the commencement of this Act (including the dealing with the case by the commanding officer), so however that a person shall not be subject for any such offence to any greater punishment than that to which he was subject before the commencement of this Act, nor to any punishment for anything done before the commencement of this Act which at the time of its being done was not an offence punishable by law.

Where a proclamation has been issued, or any man belonging to the army or militia reserve has been called out before the commencement of this Act, this Act shall apply as if such proclamation had been issued, and men called out in pursuance of this Act.

SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of an Act in this Schedule is inclusive of the word, section, or other part first and last mentioned or otherwise referred to as forming the beginning, or as forming the end, of the portion described in the description or citation.

30 & 31 Vict. c. 110	The Reserve Force Act, 1867	The whole Act.
30 & 31 Vict c. 111.	The Militia Reserve Act, 1867.	The whole Act.
33 & 34 Vict. c 67 -	The Army Enlistment Act, 1870	Sections fourteen and fifteen, and section twenty, except so far as it relates to the militia, yeomanry, or volunteers
34 & 35 Vict. c 86 -	The Regulation of the Forces Act, 1871.	So much of sections seven and nineteen as relates to the army reserve or the militia reserve.
36 & 37 Vict. c. 68. -	An Act for extending the Period of Service in the Militia; and for other purposes.	Section six
41 & 42 Vict. c. 10. -	An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters	Sections forty-two, forty-seven, forty-eight, and one hundred and nine.
42 & 43 Vict. c. 32. -	The Army Discipline and Regulation (Commencement) Act, 1879.	Section five, from "Any reference in the Reserve Force" to the end of the section, and so much of the rest of the section as relates to the reserve forces or keeps in force any portion of the Army Mutiny Act relating to the reserve forces.
42 & 43 Vict. c. 33. -	The Army Discipline and Regulation Act, 1879.	So much as is unrepealed.
44 & 45 Vict. c. 57. -	The Regulation of the Forces Act, 1881	Sections ten to thirteen and forty-five, and so much of section fifty-three as relates to the reserve forces
44 & 45 Vict. c. 58. -	The Army Act, 1881 -	Section one hundred and sixty-three, from "evidence of the delivery" to "knowledge of such man" (being paragraph (*f*) of sub-section one), section one hundred and ninety, from "the expression the army reserve force" to "Militia Reserve Act, 1867, and any Act amending the same"; and section one hundred and ninety-three, from "so much of the Army Discipline and Regulation Act, 1879," to the end of the section

CHAPTER 49.

An Act to consolidate the Acts relating to the Militia.

[18th August 1882.]

38 & 39 Vict. c. 69. 44 & 45 Vict. c. 57. 44 & 45 Vict. c. 58.

WHEREAS it is expedient to re-enact the Militia (Voluntary Enlistment) Act, 1875, (which consolidated divers enactments applicable to the Militia of the United Kingdom,) with such modifications as are rendered necessary by the passing of the Regulation of the Forces Act, 1881, and the Army Act, 1881, and are otherwise expedient:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Militia Act, 1882.

Commencement of Act.

2. This Act shall come into operation on the first day of January one thousand eight hundred and eighty-three (which day is in this Act referred to as the commencement of this Act).

PART I.

MAINTENANCE AND GOVERNMENT.

Raising and number of Militia.

3. It shall be lawful for Her Majesty to raise and keep up a Militia, consisting of such number of men as may from time to time be provided by Parliament.

Organisation of Militia.

4. (1.) Subject to the provisions of the Militia Acts, it shall be lawful for Her Majesty by order signified under the hand of a Secretary of State, from time to time to make, and when made revoke and vary, orders with respect to the government, discipline, and pay of the Militia, and with respect to all other matters and things relating to the Militia, including any matter by this Act authorized to be prescribed, or expressed to be subject to orders or regulations.

(2.) The said orders may provide for the formation of militiamen into regiments, battalions, or military bodies, and for the formation of such regiments, battalions, or military bodies into corps, either alone or jointly with any other part of Her Majesty's forces, and for appointing, transferring, or attaching militiamen to corps, and for posting, attaching, or otherwise dealing with militiamen within the corps, and may regulate the appointment, rank, duties, and numbers of the militia officers and non-commissioned officers.

(3.) Subject to the provisions of any such order, a Secretary of State may from time to time make, and when made revoke and vary, general or special regulations with respect to any matter with respect to which Her Majesty may make orders under this section.

(4.) Provided that the said orders or regulations shall not—

(*a.*) affect or extend the term for which or the area within which a militiamen is liable under the Militia Acts to serve; or

(*b.*) authorize a militiaman when belonging to one corps to be transferred without his consent to another corps; or

(c.) where the corps of a militiaman includes any battalion or other body of the regular forces, authorize him to be posted without his consent to that battalion or body.

(5.) Where a militiaman was enlisted or re-engaged before the date of any order or regulation under this Act, nothing in such order or regulation shall render him liable without his consent to be appointed, transferred, or attached to any military body to which he could not without his consent have been appointed, transferred, or attached if the said order or regulation had not been made.

(6.) All orders and general regulations made under this Act shall be laid before both Houses of Parliament as soon as practicable after they are made, if Parliament be then sitting, or if Parliament be not sitting, then as soon as practicable after the beginning of the then next session of Parliament.

Vesting in Her Majesty of jurisdiction under certain Acts in relation to the Militia.

5. All jurisdiction, powers, duties, command, and privileges over, of, or in relation to the Militia, or any part thereof, which under any Acts, other than this Act, are vested in or exerciseable by the lieutenants of counties, or by the Lord Lieutenant of Ireland, either of his own motion or with the advice of the Privy Council in Ireland, shall be exerciseable by Her Majesty, through a Secretary of State or any officers to whom Her Majesty may, by the advice of a Secretary of State, delegate such jurisdiction, powers, duties, command, and privileges, or any of them, or any part thereof; saving, nevertheless, to the lieutenants of counties their jurisdictions, powers, duties, and privileges in relation to raising the Militia by ballot, and the proceedings incidental thereto.

First appointments to lowest rank of militia officer.

6. First appointments to the lowest rank of militia officer in any corps shall be given to persons recommended by the lieutenant of the county, if a person approved by Her Majesty is recommended by such lieutenant for any such appointment within thirty days after notice of a vacancy for such appointment has been given to such lieutenant in the prescribed manner, provided the person or persons fulfil all the prescribed conditions as to age, physical fitness, and educational qualifications; and where a corps comprises militiamen of two or more counties, the recommendations for such first appointments shall be made by the lieutenants of the respective counties in such rotation or otherwise as may be from time to time prescribed.

PART II.

VOLUNTARY ENLISTMENT.

Raising of men by voluntary enlistment.

7. Subject to the provisions of this Act, private militiamen may be raised by voluntary enlistment by such persons and in such manner and subject to such regulations as may be prescribed, and this part of this Act shall apply only to persons who have voluntarily enlisted.

Enlistment, term of service, and re-engagement.

8. (1.) Every militiaman enlisted under this Act shall be enlisted as a militiaman for some county, and shall forthwith be appointed to serve in a corps for that county, or for some area comprising the whole or part of that county.

(2.) Every militiaman enlisted under this Act shall be enlisted to serve for such period not exceeding six years as may be prescribed, and such period shall be reckoned from the date of his attestation.

(3.) Every militiaman enlisted under this Act may from time to time within twelve months of the end of his current term of service be re-engaged for such period, not exceeding six years from the end of that current term, as may be prescribed.

(4.) A militiaman on re-engagement shall make the prescribed declaration before a justice of the peace or an officer.

(5.) Militiamen enlisted or re-engaged under this Act shall for the purposes of any enactment referring to persons enrolled in the Militia be deemed to be enrolled.

Application to militia recruits of certain enlistment sections of 44 & 45 Vict. c. 58.

9. (1.) The following sections of the Army Act 1881 shall apply to militia recruits; that is to say,

Section eighty (relating to the mode of enlistment and attestation);

Section ninety-six (relating to the claims of masters to apprentices);

Section ninety-eight (imposing a fine for unlawful recruiting);

Section ninety-nine (making recruits punishable for false answers);

Section one hundred (relating to the validity of attestation and enlistment, or re-engagement);

Section one hundred and one (relating to the competent military authority); and

So much of section one hundred and sixty-three as relates to an attestation paper, or a copy thereof, or a declaration, being evidence;

And the said sections shall apply in like manner as if they were herein re-enacted, with the substitution,—

(*a.*) of "Militia" for "regular forces," and of "militiaman" for "soldier"; and

(*b.*) (in section one hundred) of "during three months, or during "the whole period of preliminary training if less than three "months, or during one whole period of annual training" for "during three months."

(2.) A recruit may be attested by any lieutenant or deputy lieutenant of any county in the United Kingdom, or by a regular officer, or by a militia officer, and the sections of the Army Act 1881 in this section mentioned, and also section thirty-three of the same Act, shall, as applied to the Militia, be construed as if a justice of the peace in those sections included such lieutenant, deputy lieutenant, or officer.

(3.) A man enlisted in the Militia, until duly discharged in the prescribed manner, shall remain subject to this Act as a militiaman.

Enlistment of men discharged with disgrace from army or navy, or contrary to rules.

10. (1.) If a person—

(*a.*) Having been discharged with disgrace from any part of Her Majesty's forces, or having been dismissed with disgrace from the Navy, has afterwards enlisted in the Militia without declaring the circumstances of his discharge or dismissal; or

(*b.*) Is concerned when subject to military law in the enlistment for service in the Militia of any man, when he knows or has reasonable cause to believe such man to be so circumstanced

that by enlisting he commits an offence against the Army Act 1881 or this Act, or

(c) Wilfully contravenes when subject to military law any enactments, orders, or regulations which relate to the enlistment or attestation of militiamen,

such person shall be guilty of an offence

(2) A person guilty of an offence under this section, whether otherwise subject to military law or not, shall be liable as follows, that is to say,

(a) be liable to be tried by court-martial, and on conviction to suffer such punishment as is imposed for the like offence by section thirty-two or thirty-four of the Army Act 1881, as the case may be, or

(b) be liable to be convicted by a court of summary jurisdiction and to be sentenced to imprisonment, with or without hard labour, for any term not less than two and not more than six months,

and may in any case be taken into military custody

(3) For the purpose of this section the expression "discharged with disgrace" means discharged with ignominy, discharged as incorrigible and worthless, or discharged on account of a conviction for felony or a sentence of penal servitude

Enlistment of militiamen in regular forces

11. Militiamen may, if it is so prescribed, and subject to the prescribed conditions (if any), enlist in the regular forces, and a militiaman so enlisting in the regular forces shall be deemed to be discharged from the Militia

PART III

General Provisions

Service and Oath

Area of service of Militia

12. (1) Any part of the Militia shall be liable to serve in any part of the United Kingdom, but no part of the Militia shall be carried or ordered to go out of the United Kingdom.

(2) Provided that if any part of the Militia make a voluntary offer certified by their commanding officer to extend their services to the Islands of Guernsey, Jersey, Alderney, and Sark, the Isle of Man, Malta, and the garrison of Gibraltar, or any of them, it shall be lawful for Her Majesty, if she thinks fit, to accept such offer and to employ the said part of the Militia accordingly, and where such offers are made by several parts of the Militia it shall be lawful for Her Majesty, as may seem fit, to accept some and refuse others of such offers

(3) It shall be lawful for Her Majesty to direct the commanding officer of any part of the Militia to propose to that part to make an offer to extend the area of their services as aforesaid under such regulations as Her Majesty may be pleased to appoint

(4) A person shall not be compelled to make an offer to serve as aforesaid, or be engaged so to serve, except by his own consent,

and a commanding officer shall not certify any voluntary offer previously to his having explained to every person offering so to serve that the offer is to be purely voluntary on his part

Oath of allegiance of militiaman.

13. Every militiaman raised under this Act or under any other of the Militia Acts shall take the following oath; that is to say,

'I *A.B.* do solemnly promise and swear, that I will be faithful to [*here insert name of sovereign for time being*], her [*or* his] heirs and successors, and that I will faithfully serve in the Militia until I shall be discharged.'

And such oath may be administered by any lieutenant or deputy lieutenant of a county, or by any justice of the peace, or by any regular officer or militia officer, and in the case of a militiaman enlisted under this Act shall be specified in the attestation paper.

Training.

Preliminary training of Militia recruits.

14. (1.) Every militiaman shall attend for preliminary training at such place or places within the United Kingdom, at such time or times, and for such period or periods, not exceeding in the whole six months, as may be prescribed, and may be trained by such officers, non-commissioned officers, and men of the regular forces or of the Militia as may be prescribed.

(2.) The time of such preliminary training shall not be included in the time during which such man is liable to be called out for annual training.

Calling up for instruction.

15. Any orders or regulations under this Act may provide for any militia officer or militiaman, with his own consent, being called up for the purpose of instruction.

Annual training.

16. Save as otherwise provided by this Act, the Militia shall be annually trained for not less than twenty-one nor more than twenty-eight days in every year, at such times and at such places in any part of the United Kingdom as may be prescribed;

and for that purpose may be called out once or oftener in every year.

Extension, reduction, or suspension of annual training.

17. Her Majesty in Council may from time to time,—

(*a.*) order that the period of annual training in any year of all or any part of the Militia be extended, but so that the whole period of annual training be not more than fifty-six days in any year; or

(*b.*) order that the period of annual training in any year of all or any part of the Militia be reduced to such time as to Her Majesty may seem fit; or

(*c.*) order that in any year the annual training of all or any part of the Militia be dispensed with;

and every such order shall have full effect.

Embodiment.

Embodiment of Militia.

18. (1.) In case of imminent national danger or of great emergency it shall be lawful for Her Majesty in Council by proclamation (the occasion being first communicated to Parliament, if Parliament be then sitting, or declared in Council, and notified by the proclamation, if Parliament be not sitting) to order the Militia to be embodied.

(2.) It shall be lawful for Her Majesty by any such proclamation to order a Secretary of State from time to time to give, and when given to revoke or vary, such directions as may seem necessary or proper for embodying all or any part of the Militia.

(3.) Every such proclamation and the directions given in pursuance thereof shall be obeyed as if enacted in this Act, and where such directions for the time being direct the embodiment of any part of the Militia, every officer and man belonging to that part shall attend at the place and time fixed by those directions, and at and after that time shall be deemed to be embodied; and such officers and men are in this Act referred to as embodied, or as the embodied part or parts of the Militia.

Assembly of Parliament when Militia is ordered to be embodied.

19. Whenever Her Majesty orders the Militia to be embodied, if Parliament be then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

Disembodying of Militia.

20. (1.) It shall be lawful for Her Majesty by proclamation to order that the Militia shall be disembodied, and thereupon a Secretary of State shall give such directions as may seem necessary or proper for carrying the said proclamation into effect.

(2.) Until any such proclamation of Her Majesty has been issued a Secretary of State may from time to time, as he may think expedient for the public service, give such directions as may seem necessary or proper for disembodying any embodied part of the Militia, and for embodying any part of the Militia not embodied, whether previously disembodied or otherwise.

(3.) After the date fixed by the directions for the disembodiment of any part of the Militia, the officers and men belonging to that part shall be in the position of militia officers and men not embodied.

Provisions common to Annual Training and Embodiment.

Notice of times and places of attendance for annual training or embodiment.

21. (1.) Where directions have been given for calling out for annual training or embodying any part of the Militia, the commanding officer shall cause a notice to attend at the time and place fixed to be served on each militiaman required to attend.

(2.) Such notice shall also be published in the prescribed manner in every parish in the county or area to which the corps of any such militiaman belongs.

(3.) The notices to be served and published under this section shall be served and published within such reasonable time before the time fixed for the attendance of the persons required to attend as may be prescribed.

General provision as to notices.

22. With respect to notices required in pursuance of this Act or of the orders and regulations in force under this Act to be given to militiamen, the following provisions shall have effect:

(1.) Any such notice may be served on a militiaman either by being sent by post to his usual place of abode, or by being served in the prescribed manner;

(2.) For the purpose of the service of any such notice the usual place of abode of a militiaman shall be that stated on his attestation or enrolment, or that subsequently notified by him in the prescribed manner;

(3.) Evidence of the delivery at the usual place of abode of a militiaman of a notice, or of a letter addressed to such man and containing a notice, shall be evidence that such notice was brought to the knowledge of such man;

(4.) The publication of any such notice in the prescribed manner in every parish in the county or area to which a corps belongs shall be sufficient notice to every militiaman in that corps to whom the notice applies, notwithstanding that a copy of such notice is not served upon him;

(5.) Every constable and overseer of the poor shall, when so required by or on behalf of a Secretary of State, conform with the orders and regulations for the time being in force under this Act with respect to the publication and service of notices, and in default shall be liable, on conviction by a court of summary jurisdiction, to a fine not exceeding twenty pounds.

Desertion and Fraudulent Enlistment.

Punishment for non-attendance for preliminary or annual training or embodiment, and for desertion or absence without leave.

23. (1.) Any militiaman who commits any of the following offences, that is to say,—

Without leave lawfully granted, or such sickness or other reasonable excuse as may be allowed in accordance with the orders and regulations under this Act, fails to appear at the time and place appointed, either for preliminary training, or for annual training, or for assembling on embodiment, shall—

(*a*.) in the case of embodiment, be guilty, according to the circumstances, of deserting within the meaning of section twelve, or of absenting himself without leave within the meaning of section fifteen, of the Army Act 1881; and

(*b*.) in any other case, be guilty of absenting himself without leave within the meaning of section fifteen of the Army Act 1881.

(2.) A militiaman who commits an offence under this section, or under section twelve or section fifteen of the Army Act 1881, whether otherwise subject to military law or not, shall be liable as follows; that is to say,

(*a*.) be liable to be tried by court-martial, and convicted and punished accordingly; or

(*b*.) be liable to be convicted by a court of summary jurisdiction, and to be sentenced to a fine of not less than forty shillings and not more than twenty-five pounds, and in default of payment to imprisonment, with or without hard labour, for any term not less than seven days and not more than the maximum term allowed by law for nonpayment of the fine;

and may in any case be taken into military custody.

Supplemental provision as to deserters and absentees.

24. (1.) Section one hundred and fifty-four of the Army Act 1881 shall apply to a militiaman who is a deserter or absentee without leave within the meaning of this Act in like manner as it applies to a deserter in that section mentioned, and a man who under that section is delivered into military custody or committed for the purpose of being so delivered may be tried as provided by this Act.

(2.) Any person who falsely represents himself to any military, naval, or civil authority to be a deserter or absentee without leave

from the Militia shall be liable, on conviction by a court of summary jurisdiction, to imprisonment, with or without hard labour, for a term not exceeding three months.

Punishment for inducing militiaman to desert or absent himself.

25. (1.) Any person who by any means whatsoever—

(*a.*) Procures or persuades any militiaman to commit an offence of absence without leave within the meaning of this Act, or attempts to procure or persuade any militiaman to commit such offence; or

(*b.*) Knowing that a militiaman is about to commit the offence of absence without leave within the meaning of this Act, aids or assists him in so doing; or

(*c.*) Knowing any militiaman to be an absentee without leave within the meaning of this Act, conceals such militiaman, or aids or assists him in concealing himself, or employs or continues to employ him, or aids or assists in his rescue;

shall be liable, on conviction by a court of summary jurisdiction, to a fine not exceeding twenty pounds.

(2) Section one hundred and fifty-three of the Army Act 1881 shall apply as if a militiaman were a soldier, and as if the word "desert" and other words referring to desertion included desertion within the meaning of this Act as well as desertion within the meaning of the Army Act 1881; and any person who, knowing any militiaman to be a deserter within the meaning of this Act or of the Army Act 1881, employs or continues to employ such militiaman, shall be deemed to aid him in concealing himself within the meaning of the said section.

Fraudulent enlistment or false answer of militiaman.

26. If any person commits any of the following offences; that is to say,

(*a.*) When belonging to the Militia, without having fulfilled the conditions enabling him to enlist, enrol, or enter, enlists or enrols in any of the auxiliary or reserve forces, or enters the Royal Navy; or

(*b.*) When belonging to the reserve forces, or to any of the auxiliary forces other than the Militia, or to the Royal Navy, without having fulfilled the conditions enabling him to enlist or enrol, enlists or enrols in the Militia;

such person, if on service as part of the regular forces at the time when he commits the offence, shall be guilty of fraudulent enlistment, and in any other case shall be guilty of making a false answer; and for the purposes of this section a person shall be deemed to be on service as part of the regular forces if being a militiaman he is embodied, or if when belonging to the reserve forces he is called out on permanent service, or if when belonging to the yeomanry or volunteers he is on actual military service.

(2.) A person who commits an offence under this section, whether otherwise subject to military law or not, shall be liable as follows; that is to say,

(*a.*) be liable to be tried by court-martial, and on conviction to suffer such punishment as is imposed, if the offence is fraudulent enlistment, by section thirteen, and if it is a false answer, by section thirty-three of the Army Act 1881; or

(*b.*) be liable to be convicted by a court of summary jurisdiction, and to be sentenced to imprisonment, with or without hard

labour, for any term not less than one month and not more than three months, or to a fine of not less than five pounds and not more than twenty-five pounds, and in default of payment to imprisonment, with or without hard labour, for any term not less than one month and not more than the maximum term allowed by law for nonpayment of the fine, and in the case of a second or any subsequent conviction to be sentenced to imprisonment, with or without hard labour, for any term not less than two and not more than six months;

and may in any case be taken into military custody.

(3.) A person who attempts to commit an offence under this section shall, whether otherwise subject to military law or not, be liable to be taken into military custody, tried, convicted, and punished in like manner in all respects as if he had committed an offence under this section, with this qualification, that if he is convicted by court-martial he shall not be liable to any punishment exceeding imprisonment, and if he is convicted by a court of summary jurisdiction this section shall apply as if the terms of imprisonment or amounts of fine were reduced by one half.

Liability of deserter, absentee, or fraudulent enlister to further service.

27. Any militiaman who is delivered into military custody or committed as a deserter or absentee without leave by a court of summary jurisdiction, or is convicted by court-martial or by a court of summary jurisdiction of desertion or absence without leave or fraudulent enlistment under the Army Act 1881 or this Act, or is dealt with summarily by his commanding officer for any such offence, shall, whether he is or is not punished for his offence, be liable to serve as follows; (that is to say,)

(*a.*) If he has not completed the period of his preliminary training, he shall be liable to attend for preliminary training for the whole of the prescribed period or periods, or for the prescribed portion thereof, without any deduction being made for any time he has previously attended for such training; and

(*b.*) If the duration of his absence from annual training has amounted in any year to the whole of the time of annual training, or to any part of that time not less than fourteen days, he shall be liable to serve after the expiration of the term of his militia service for an additional year for each year in which he has been so absent; and

(*c.*) If he was embodied either at the time when he committed the offence or afterwards, he shall be liable to serve for an additional period equal to the time which elapsed between the time of his committing the offence and the time of his apprehension or voluntary surrender; and the period of such additional service shall commence at the expiration of the term of his militia service, or at the time of his apprehension or surrender, whichever last happens.

Record of illegal absence of militiaman.

28. (1.) Where a militiaman is subject to military law, and is illegally absent from his duty, a court of inquiry under section seventy-two of the Army Act 1881 may be assembled after the expiration of twenty-one days from the date of such absence, notwithstanding that the period during which such man was subject to military law is less than twenty-one days, or has expired before the expiration of twenty-one days.

(2.) Where a militiaman fails to appear at the time and place appointed for preliminary training or for annual training or for assembling on embodiment, and his absence continues for not less than fourteen days, his commanding officer shall make an entry in the regimental books of such absence, and such entry shall be conclusive evidence of the fact of such absence.

Lieutenants and Deputy Lieutenants of Counties.

Appointment of lieutenants of counties.

29. Her Majesty shall from time to time appoint lieutenants for the several counties in the United Kingdom.

Appointment, approval, and removal of deputy lieutenants.

30. (1.) The lieutenant of every county shall from time to time appoint such persons as he thinks fit, living within the county, and qualified as provided by this Act, to be his deputy lieutenants.

(2) In every county twenty persons at least, or if so many persons cannot be found duly qualified, then all the duly qualified persons living within the county, shall, subject as herein-after mentioned, be appointed deputy lieutenants.

(3.) The lieutenant shall certify to Her Majesty the name of every person whom he proposes to appoint deputy lieutenant, and shall not grant a commission as deputy lieutenant to any person until informed by a Secretary of State that Her Majesty does not disapprove of the granting of such commission.

(4.) Whenever Her Majesty may think fit to signify her pleasure to the lieutenant of any county that all or any of the deputy lieutenants thereof be displaced, such lieutenant shall forthwith displace them, and appoint others in their stead, subject to the provisions of this Act; and a return of all persons by name who have been appointed deputy lieutenants or have been displaced shall be annually laid before Parliament, made up to the thirty-first day of December, within ten days after Parliament meets.

(5.) The commission of a deputy lieutenant shall not be vacated by the lieutenant who granted it ceasing to be lieutenant.

Provision for absence or disability of lieutenant.

31. Where the lieutenant of a county is absent from the United Kingdom, or by reason of sickness or otherwise is unable to act, or where there is no lieutenant of a county, Her Majesty may authorize any three deputy lieutenants of such county to act as the lieutenant thereof, and such deputy lieutenants while so authorized may do all acts which might lawfully be done by the lieutenant, and shall for all purposes stand in the place of the lieutenant.

Appointment of vice-lieutenant.

32. The lieutenant of a county, with the approbation of Her Majesty, may appoint any deputy lieutenant of the county to act for him as vice-lieutenant during his absence from the county, sickness, or other inability to act; and every such vice-lieutenant, until the appointment is revoked or he is removed by Her Majesty, may from time to time, whenever such absence, sickness, or inability occurs, do all acts which might lawfully be done by the lieutenant, and shall for all purposes stand in the place of the lieutenant, without prejudice to the authority of Her Majesty to make other provision for this purpose under the foregoing enactment.

Qualifications of deputy lieutenants.

33. Every person appointed a deputy lieutenant shall be qualified as follows; that is to say,

(*a*.) He shall be a peer of the realm or the heir apparent of such a peer, and have a place of residence within the county for which he is appointed; or

(*b.*) He shall be in possession for his own benefit of an estate for the life of himself or another, or of some greater estate, in land in the United Kingdom of the yearly value of not less than two hundred pounds; or

(*c.*) He shall be the heir apparent of some person who is in possession for his own benefit of such an estate as above mentioned; or

(*d.*) He shall be possessed or entitled, at law or in equity, in possession for his own benefit, for the life of himself or another, or for some greater interest, of or to a clear yearly income arising from personal estate within the United Kingdom of not less amount than the yearly value of an estate in land above mentioned;

and the clear yearly income arising from any such personal estate shall be admitted in whole or in part of a qualification arising from the possession of an estate in land.

Delivery, enrolment, and return of qualifications, and gazetting of commissions.

34. (1.) A person appointed a deputy lieutenant of a county, who is not qualified as a peer or heir apparent of a peer of the realm, shall before acting as deputy lieutenant deliver to the clerk of general meetings of lieutenancy of that county a specific description in writing, signed by himself, of his qualification, stating, where the same consists wholly or partly of an estate in land or of heirship to an estate in land, the county and parish in which the land is situate.

(2.) The clerk of general meetings of lieutenancy shall send to the lieutenant of the county a copy of every such description delivered to him, and shall enter every such description on a roll to be kept for that purpose; and shall (at the cost of the county rate) cause to be published in the London Gazette the names of the persons appointed deputy lieutenants, with the dates of their commissions, in like manner as commissions of officers of Her Majesty's land forces are published.

(3.) The clerk of general meetings of lieutenancy shall from time to time, when so required, send to a Secretary of State a complete account of the several descriptions of qualification delivered to him during the period mentioned in the requisition, and the Secretary of State shall cause copies of every such account to be laid before both Houses of Parliament.

Penalty for acting as deputy lieutenant without being qualified, &c.

35. (1.) If any person acts as deputy lieutenant without being duly qualified, or without having delivered the description of his qualification as required by this Act, he shall forfeit the sum of two hundred pounds; but where such person has been appointed a deputy lieutenant all acts done by him in the execution of his office shall be as valid as if he had been duly qualified and had duly delivered such description.

(2.) In any legal proceeding for the recovery of any such penal sum the proof of qualification shall lie on the defendant.

Powers, &c. of lieutenants and deputy lieutenants.

36. Except as otherwise provided by this or any other Act, the lieutenant and deputy lieutenants appointed under this Act for any county shall respectively have such jurisdiction, duties, powers, and privileges as are vested in the lieutenant and deputy lieutenants respectively for such county under any Act of Parliament for the time being in force.

Quotas.

37. (1.) It shall be lawful for Her Majesty in Council from time to time to appoint the quotas of militiamen to serve for the several counties of the United Kingdom. Quotas of Militia.

(2.) Notice of the quota from time to time appointed for any county shall be transmitted to the lieutenant of that county and published in the London Gazette.

(3.) Such quota shall be the quota of the county until another quota is appointed and notified in like manner.

Civil Rights and Exemptions.

38. The acceptance of a commission as a militia officer shall not vacate the seat of any member returned to serve in Parliament. Militia commissions not to vacate seats in Parliament.

39. A person in the Militia shall not be liable to any penalty or punishment for or on account of his absence during the time he is voting at any election of a member to serve in Parliament, or during the time he is going to or returning from such voting. Attendance of voters at parliamentary elections.

40. If a sheriff is a militia officer, then during embodiment he shall be discharged from personally performing the office of sheriff, and the under sheriff shall be answerable for the execution of the said office, in the name of the high sheriff; and the security given by the under sheriff, and his pledges to the high sheriff, shall stand a security to the Queen, her heirs and successors, and to all persons whomsoever, for the due performance of the office of sheriff during such time. Performance of duties of sheriff, if a militia officer, during embodiment.

41. A person in the militia shall not be compelled to serve as a peace officer or parish officer. Exemption of militiamen.

Legal Proceedings.

42. (1.) Any offence which under the Militia Acts is punishable on conviction by court-martial shall for all purposes of and incidental to the arrest, trial, and punishment of the offender, including the summary dealing with the case by his commanding officer, be deemed to be an offence under the Army Act 1881, with this modification, that any reference in that Act to forfeitures and stoppages shall be construed to refer to such forfeitures and stoppages as may be prescribed. Trial of offences and recovery and application of fines under Militia Acts.

(2.) Every fine or pecuniary forfeiture imposed under any of the Militia Acts, if exceeding the sum of twenty-five pounds, may be recovered by action in Her Majesty's High Court of Justice in England or Ireland, or in the Court of Session in Scotland; and if not exceeding such amount may, so far as the recovery thereof is not otherwise provided for, be recovered on conviction by a court of summary jurisdiction, in like manner as if it were a fine under this Act.

(3.) Any offence which under the Militia Acts is punishable on conviction by or before a court of summary jurisdiction within the meaning of this Act may be prosecuted, and any fine or pecuniary forfeiture which under the Militia Acts is recoverable for any such offence, or is otherwise recoverable before a court of summary jurisdiction, may be recovered, in manner provided by sections one hundred and sixty-six and one hundred and sixty-seven of the Army Act 1881, in like manner as if those sections were herein

re-enacted and in terms made applicable to the Militia Acts, subject to the following modification, namely,

every fine or pecuniary forfeiture imposed under any of the Militia Acts on a militiaman, or recovered on a prosecution instituted under any of the Militia Acts by or on behalf of the commanding officer of a militiaman, (the application of which is not otherwise provided for by the said Acts) shall, notwithstanding anything in any Act or charter or in the said sections to the contrary, be paid to the commanding officer of the part of the Militia to which the militiaman belongs, and shall be accounted for by him in the prescribed manner.

(4.) Save as provided by the said section one hundred and sixty-six, the minimum fixed by any of the Militia Acts for the amount of any fine or forfeiture or for the term of any imprisonment shall be duly observed by courts of summary jurisdiction, and shall, notwithstanding anything in any other Act contained, not be reduced by way of mitigation or otherwise.

Provision as to offences triable both by court-martial and by court of summary jurisdiction.

43. With respect to the trial and punishment of men charged with offences which in pursuance of this Act are cognizable both by a court-martial and by a court of summary jurisdiction, the following provisions shall have effect:

(1.) An alleged offender shall not be liable to be tried both by court-martial and by a court of summary jurisdiction, but may be tried by either of such courts, according as may be prescribed by orders or regulations under this Act.

(2.) Proceedings against an alleged offender when a militiaman, before either a court-martial or his commanding officer or a court of summary jurisdiction, may be instituted, whether the term of his militia service has or has not expired, and may, notwithstanding anything in any other Act, be instituted at any time within two months after the time at which the offence becomes known to the commanding officer of the militiaman, if the militiaman is then apprehended, or if he is not then apprehended, then within two months after the time at which he is apprehended, whether such apprehension was by a civil or military authority, and any limitation contained in any other Act with respect to the time for hearing and determining an offence shall not apply in the case of any proceeding so instituted.

(3.) Where an offender has on several occasions been guilty of desertion, fraudulent enlistment, or making a false answer, he may, for the purposes of any proceedings against him, be deemed to belong to any one or more of the corps to which he has been appointed or transferred, as well as to the corps to which he properly belongs; and it shall be lawful to charge the offender with any number of the above-mentioned offences at the same time, whether they are offences within the meaning of the Army Act 1881 or offences within the meaning of this Act, and to give evidence of such offences against him, and if he be convicted of more than one offence to punish him accordingly, as if he had been previously convicted of any such offence.

(4.) For the purposes of this section the expression "tried by court-martial" shall include "dealt with summarily by his commanding officer."

44. (1.) Section one hundred and sixty-four of the Army Act 1881 (which relates to evidence of the civil conviction or acquittal of a person subject to military law) shall apply to a militiaman who is tried by a civil court, whether he is or is not at the time of such trial subject to military law. Evidence.

(2.) Section one hundred and sixty-three of the Army Act 1881 (relating to evidence) shall apply to all proceedings under the Militia Acts.

Miscellaneous.

45. All returns required or authorized to be made in relation to the Militia by any of the Militia Acts shall be made to such persons as may be prescribed. Militia returns, how to be made.

46. (1.) The law relating to the protection of justices of the peace in the execution of their office shall, save as regards limitation of actions, notice of action, venue, tender of amends and payment into court, and other matters relating to actions which are provided for by this section, apply to lieutenants and deputy lieutenants when acting in the execution of the Militia Acts, as if they were included in the expression "justices of the peace." Protection of persons acting under Militia Acts.

(2.) An action, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of the Militia Acts, or in respect of any alleged neglect or default in the execution of those Acts, shall not lie or be instituted unless it is commenced within twelve months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within twelve months next after the ceasing thereof.

(3.) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action.

(4.) Every such action, and also every action against a member or minister of a court-martial in respect of a sentence of such court, or of anything done by virtue or in pursuance of such sentence, shall be brought in one of Her Majesty's superior courts in the United Kingdom.

47. (1.) Any power or jurisdiction given to, and act or thing to be done by, to, or before any person holding any military office may in relation to the Militia be exercised by or done by, to, or before any other person for the time being authorized in that behalf according to the custom of the service. Exercise of powers vested in holder of military office.

(2.) Where by any of the Militia Acts, or by any order or regulation in force under this Act, any order is authorized to be made by any military authority, such order may be signified by an order, instruction, or letter under the hand of any officer authorized to issue orders on behalf of such military authority, and an order, instruction, or letter purporting to be signed by any officer appear-

ing therein to be so authorized shall be evidence of his being so authorized

Provisions as to special Localities.

Provisions as to counties for purposes of Militia Acts

48. For the purposes of the Militia Acts the following provisions shall have effect with respect to counties —

(1) The expression "county" shall, unless the context otherwise requires mean a county at large, with the exception that each riding of the county of York shall be a separate county

(2) Each county of a city, county of a town, or place mentioned in the first column of the first schedule to this Act shall be deemed to form part of the county set opposite thereto in the second column of that schedule, and where a parish is mentioned in that second column to form part of that parish

(3) All other places locally situate within a county as above defined shall be deemed to form part of that county

(4) Every place declared by this section to form part of a county shall (save as otherwise expressly provided) be subject to the jurisdiction and authority of the lieutenant, deputy lieutenants, and other officers of the said county

Application of Militia Acts to certain places

49. The Militia Acts shall apply to the following places, with the modifications herein after mentioned

Isle of Wight

(1) The Governor of the Isle of Wight may appoint to act for him in the Island five or more deputies, in like manner and subject to the like conditions and restrictions as deputy lieutenants are appointed under this Act, and such deputies shall act in the execution of the Militia Acts as if they were deputy lieutenants, the Militia of the Isle of Wight shall be raised in the same manner as and shall form part of the Militia of the county of Southampton, but shall remain within the said Isle as an internal defence thereof, unless Her Majesty otherwise orders

Tower Hamlets

(2) The Militia Acts shall apply to the liberty or district of the Tower Division in the county of Middlesex, commonly known by the name of the Tower Hamlets, as if it were a separate county

Cinque Ports

(3) This Act shall apply to the Cinque Ports, two ancient towns, and their members, so far as is consistent with the special enactments relating thereto, as if they were a separate county, and the Warden of the Cinque Ports were the lieutenant of that county

Haverfordwest

(4) It shall be lawful for Her Majesty to appoint a lieutenant for the county of the town of Haverfordwest in like manner as if it were a separate county, and he may appoint deputy lieutenants under this Act

Miners of Cornwall and Devon.

(5) A corps of miners may continue to be raised for the counties of Cornwall and Devon as part of the Militia, and the Militia Acts shall apply in like manner as if such corps were the Militia of a separate county, and the Warden of the Stannaries were the lieutenant of that county, and the quota for such corps may be fixed accordingly The deputies appointed by the Warden shall be called deputy wardens of the Stannaries, and need not exceed twelve in number and the persons appointed shall be qualified, in respect of residence and otherwise, as if they were appointed deputy lieutenants for a county comprising the counties of Corn-

wall and Devon, and any reference to the clerk of general meetings of lieutenancy shall be deemed to refer to the clerk of general meetings appointed by the Warden.

50. The city of London shall continue to be a separate county for the purposes of the Militia, and so far as is consistent with the special enactments relating to such city this Act shall apply accordingly, and the Commissioners of Lieutenancy of the city shall for the purposes of this Act and those enactments be the lieutenant of the county, and the provisions of this Act with respect to deputy lieutenants shall not apply to the said city, and nothing in this Act shall affect the raising and levying of the trophy tax as heretofore in the said city.

Application of Act to city of London.

Definitions.

51. In this Act, unless the context otherwise requires,— Definitions.

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

The expression "parish" means a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:

The expression "Militia" means the regular Militia raised in the United Kingdom, or in any county or part thereof:

The expressions "militiaman" and "man in the Militia" include respectively a non-commissioned officer:

The expression "term of militia service" means, in the case of a man enlisted or re-engaged under this Act the term for which he has so enlisted or re-engaged, and in case of any other man the term for which he is enrolled:

The expression "Militia Acts" means this Act, and any Act passed or hereafter to be passed relating to the Militia, so far as it is for the time being in force:

The expression "prescribed" means prescribed by orders or regulations in force under this Act.

Expressions not above in this section mentioned have, unless the context otherwise requires, the same meaning as they have in the Army Act 1881.

Application of Act to Scotland.

52. In the application of this Act to Scotland, the following modifications shall be made; that is to say, Modifications in application of Act to Scotland.

(1.) The Militia Acts shall apply to the county of the city of Edinburgh in like manner as to any other county, and the chief magistrate of that city shall, when there is no lieutenant appointed, appoint the deputy lieutenants under this Act.

(2.) The expression "land" includes heritages.

(3.) The expression "county rate" means "county general assessment."

(4.) The expression "overseer" means "inspector of the poor."

(5.) In the provisions respecting an action, prosecution, or proceeding against any person, "plaintiff" shall mean "pursuer," and "defendant" shall mean "defender," and "solicitor" shall mean "law agent."

Application of Act to Ireland.

Modification in application of Act to Ireland.

53. In the application of this Act to Ireland, the following modifications shall be made; that is to say,

(1.) The Militia Acts shall apply to the counties of the cities of Dublin, Cork, and Limerick respectively in like manner as to any other county.

(2.) Lieutenants may be appointed for the county of the city of Waterford and the town and county of the town of Galway respectively in like manner as if such city and town were respectively separate counties, and such lieutenants may appoint deputy lieutenants under this Act.

(3.) As regards the qualifications of deputy lieutenants, the description shall state the denomination of any land forming the whole or part of the qualification, and in the case of any such city or town as above in this section mentioned the town clerk shall be substituted for the clerk of general meetings of lieutenancy, and the borough rate shall be substituted for the county rate.

(4.) The powers vested in Her Majesty with reference to lieutenants and their deputy lieutenants and vice-lieutenants may, subject to any direction of Her Majesty, be exercised by the Lord Lieutenant of Ireland, and anything in relation to lieutenants or deputy lieutenants, if authorized or required to be done by, to, or before Her Majesty, may, subject as aforesaid, be done by, to, or before the Lord Lieutenant, and if authorized or required to be done by or to a Secretary of State, may be done by or to the Chief Secretary or Under Secretary of the Lord Lieutenant.

(5.) The number of deputy lieutenants in each county and in each such city or town as above mentioned shall be such as Her Majesty, or, subject to any direction of Her Majesty, the Lord Lieutenant from time to time determines.

(6.) Anything required to be published in the London Gazette shall be published in the Dublin Gazette in lieu of the London Gazette.

(7.) Except as otherwise provided by this or any other Act, the lieutenants and deputy lieutenants appointed under this Act for any county, city, or town shall respectively have all the powers which by any Act for the time being in force are vested in the governors or deputy governors respectively of counties or places in Ireland.

(8.) The expression "Lord Lieutenant" includes the Lords Justices or other Chief Governors or Governor of Ireland for the time being.

(9.) The expression "rate" includes "cess."

(10.) The constables shall perform the duties of overseers with respect to the publication of notices.

Repeal.

Repeal of Acts.

54. The Acts mentioned in the second schedule to this Act are hereby repealed as from the commencement of this Act to the extent in the third column of that schedule specified;

Provided as follows:

(1.) So much of the said Acts as is set out in the third schedule to this Act shall continue in force in manner therein appearing, as if the same were enacted in the body of this Act.

(2.) Such repeal shall not revive any enactment, and shall not, save as herein otherwise provided, affect anything previously done or suffered, or any existing right or title, or any remedy in respect thereof, or the proof of any past act.

(3.) All commissions and appointments in relation to the Militia which exist at the commencement of this Act shall be of the same effect as if granted or made under this Act.

(4.) All orders, warrants, regulations, and directions in relation to the Militia which exist at the commencement of this Act shall be of the same effect as if they were orders and regulations made under this Act, and may be revoked or altered accordingly.

(5.) The quota in force at the commencement of this Act for any county, or for any place which is under this Act deemed to be a county, shall continue to be the quota appointed for that county or place until another quota is appointed under this Act.

(6.) The several militiamen who before the commencement of this Act have been attested for service, whether before a justice of the peace or an officer, or have been re-engaged, shall be deemed to have been duly attested and re-engaged as if they had been enlisted or re-engaged under this Act, and shall continue to serve accordingly, and shall be subject to and be deemed to be raised under this Act, and their service before the commencement of this Act shall be reckoned as if the same had taken place under this Act.

(7.) A member of the permanent staff of the Militia who has been enlisted or re-engaged in pursuance of any enactment hereby repealed shall continue to serve in like manner as if the said enactment had not been repealed.

(8.) Where a member of the permanent staff of the Militia or a militiaman was enlisted or re-engaged before the passing of the Regulation of the Forces Act 1881, or before the date of any order or regulation made under the said Act, nothing in the said Act, order, or regulation, or in this Act shall render such member or man liable without his consent to serve in or be appointed, transferred, posted, or attached to any military body in or to which he could not have been required without his consent to serve or be appointed, transferred, or attached if the Regulation of the Forces Act 1881 or this Act, or the said order or regulation, as the case may be, had not been passed or made.

(9.) In the case of any offence committed before the commencement of this Act, if any proceeding for the trial or punishment of the offender has been commenced before the commencement of this Act, such proceeding may be carried on and completed, and the offender may be tried and punished, as if this Act had not passed; but, save as aforesaid, this Act shall apply to the arrest, trial, conviction, and punishment of a person accused of an offence committed before the commencement of this Act, (including the dealing with the case by the commanding officer) so however that a person shall not be subject for any such offence to any greater punishment than that to which he was subject before the commencement of this Act, nor to any punishment for anything done before the commence-

ment of this Act which at the time of its being done was not an offence punishable by law.

(10.) Any unrepealed enactment referring to any provisions hereby repealed, or to any provisions repealed by the Militia (Voluntary Enlistment) Act, 1875, shall be construed as referring to the corresponding provisions of this Act.

SCHEDULES.

FIRST SCHEDULE.

The following places are for the purposes of the Militia Acts to be included in the following counties.

ENGLAND.

See 42 Geo. 3. c. 90. ss. 19, 149, 151. 38 & 39 Vict. c. 69. ss. 2, 80.	County of the city of Chester - - -	Chester.
	County of the city of Exeter - - -	Devon.
	County of the town of Poole - - -	Dorset.
	County of the city of Gloucester - -	Gloucester.
	County of the city of Bristol - - -	Gloucester.
	County of the city of Canterbury - -	Kent.
	County of the city of Lincoln - - -	Lincoln.
	County of the city of Norwich - - -	Norfolk.
	County of the town of Newcastle-upon-Tyne -	Northumberland.
	Borough and town of Berwick-upon-Tweed -	Northumberland.
	County of the town of Nottingham - -	Nottingham.
	County of the town of Southampton - -	Southampton.
	County of the city of Lichfield - - -	Stafford.
	County of the city of Worcester - -	Worcester.
	County of the city of York - - -	West Riding of York.
	County of the town of Kingston-upon-Hull -	East Riding of York.
	County of the town of Carmarthen - -	Carmarthen.
	County of the town of Haverfordwest - -	Pembroke.
	The constabulary of Craike - - -	North Riding of York.
	That part of the parish of Maker which lies in the county of Cornwall - - -	Cornwall.
	Town and parish of Wokingham - -	Berks.
	The township of Filey - - - -	East Riding of York.
	Threapwood - - - - -	Parish of Worthenbury in Flint.
	Parish of Saint Martin, called Stamford Baron, in the suburbs of the borough and town of Stamford on the south side of the waters called Welland - - - - -	Lincoln.

IRELAND.

See 49 Geo. 3. c. 120. s. 2. 38 & 39 Vict. c. 69. ss. 2, 3.	County of the city of Waterford - -	Waterford.
	County of the city of Kilkenny - - -	Kilkenny.
	County of the town of Drogheda - -	Louth.
	County of the town of Londonderry - -	Londonderry.
	County of the town of Galway - - -	Galway.

SECOND SCHEDULE.

Acts repealed.

A description or citation of a portion of an Act is inclusive of the words, section, or other part, first or last mentioned, or otherwise referred to as forming the beginning, or as forming the end, of the portion comprised in the description or citation.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
37 Geo. 3. c. 25. -	An Act for the better raising and ordering the militia forces of the Tower Hamlets, in the county of Middlesex.	Section three, from "and also such," to "the said Hamlets," and sections thirteen, fourteen, and sixteen to eighteen.
42 Geo. 3. c. 72. -	An Act for repealing an Act made in the thirty-eighth year of the reign of His present Majesty, intituled "An Act for raising a body of miners in the counties of Cornwall and Devon, for the defence of the Kingdom during the present war;" and for the more effectually raising and regulating a body of miners for the defence of Great Britain.	Section one, from "and the said warden shall constitute" to "are entitled to rank," sections two, three, and thirty-one, section thirty-three, from "and that all fines" to the end of the section, and sections thirty-four and thirty-five.
42 Geo. 3. c. 90. -	An Act for amending the laws relating to the militia in England, and for augmenting the militia.	Section one hundred and forty-eight, section one hundred and forty-nine, the words "and officers,", and from "and such number of officers" to the end of the section, section one hundred and fifty, from "shall appoint" to "and shall and," and from "and shall appoint five" to the end of the section, and sections one hundred and fifty-one, one hundred and fifty-two, one hundred and seventy-one, one hundred and seventy-seven, and one hundred and seventy-eight.
42 Geo. 3. c. 91. -	An Act to raise and establish a militia force in Scotland.	Sections fifteen, thirty-two, one hundred and forty-one, one hundred and forty-two, one hundred and forty-three, one hundred and sixty-six, one hundred and seventy-three, and one hundred and seventy-four.
43 Geo. 3. c. 50. -	An Act for more speedily completing the militia of Great Britain, raised under two Acts passed in the forty-second year of the reign of His present Majesty; and for amending the said Acts.	Section five, section six from "either for the purpose" to "for that purpose or," and section eight.
49 Geo. 3. c. 120. -	An Act for amending and reducing into one Act of Parliament the several laws for raising and training the militia of Ireland.	Sections two, three, five, six, section one hundred and eighteen, from "every such person" to "by virtue of this Act, and," sections one hundred and thirty to one hundred and thirty-eight, section one hundred and forty-one, from "or within four months" to "enrolling volunteers," and sections one hundred and forty-five to one hundred and forty-seven.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
51 Geo. 3. c. 114. -	An Act to permit the services of the regiment of miners of Cornwall and Devon to be extended to Ireland.	The whole Act so far as unrepealed.
51 Geo. 3. c. 118. -	An Act to permit the interchange of the British and Irish militias respectively.	The whole Act so far as unrepealed.
52 Geo. 3. c. 29. -	An Act to amend the laws relating to the militia of Ireland.	The whole Act so far as unrepealed.
53 Geo. 3. c. 48. -	An Act to amend the laws for raising and training the militia of Ireland.	Sections three to five.
53 Geo. 3. c. 132. -	An Act to extend the services of the militia of the Tower Hamlets to all parts of the United Kingdom.	The whole Act so far as unrepealed.
55 Geo. 3. c. 65. -	An Act to amend the laws relating to the militia of Great Britain.	The whole Act so far as unrepealed, except section eight.
1 Geo. 4. c. 100. -	An Act for amending and reducing into one Act of Parliament, two several Acts passed in the thirty-sixth and thirty-ninth years of the reign of His late Majesty King George the Third, for the better ordering and further regulating of the militia of the city of London.	Sections two, four, five, and seven, section nine, as to the form of oath thereby prescribed, sections nineteen to twenty-one, twenty-three to twenty-six, and twenty-nine, section forty-two, from "provided always" to the end of the section, sections forty-six and forty-seven, section forty-eight, from "provided always" to the end of the section, and section forty-nine.
15 & 16 Vict. c. 50. -	An Act to consolidate and amend the laws in relation to the militia in England.	Sections eight and nine, section twenty-four, the words "as herein-before directed," section thirty, section thirty-one, section thirty-five, section thirty-six, from "but the number" to the end of the section, and section thirty-eight, from "in apportioning" down to "but so that," and from "and the oath to be taken," down to "sovereign for the time being."
17 & 18 Vict. c. 105.	The Militia Law Amendment Act, 1854.	Section fifty-two.
23 & 24 Vict. c. 94. -	An Act to amend the laws relating to the militia.	Sections ten to twelve, section twenty, and section twenty-one.
23 & 24 Vict. c. 120.	An Act to amend the laws relating to the ballots for the militia in England, and to suspend the making of lists and ballots for the militia of the United Kingdom.	Section nineteen.
28 & 29 Vict. c. 46. -	An Act to suspend the making of lists and the ballots for the militia of the United Kingdom.	Section four, from "or of any meeting" to the end of the section.

Session and Chapter	Title or Short Title	Extent of Repeal
32 & 33 Vict c 66 -	An Act to continue and amend an Act to defray the charge of the pay, clothing, and contingent and other expenses of the disembodied militia in Great Britain and Ireland, to grant allowances in certain cases to subaltern officers, adjutants, paymasters, quartermasters, surgeons, assistant surgeons, and surgeons' mates of the militia, and to authorise the employment of the non-commissioned officers	The whole Act
33 & 34 Vict c 67 -	The Army Enlistment Act, 1870	Section twenty, so far as it relates to the militia.
34 & 35 Vict c 86 -	The Regulation of the Forces Act, 1871	Section six, from "saving nevertheless to the lieutenants of counties," down to "proceedings incidental thereto," and so much of the rest of the section as relates to the militia, so much of section seven as relates to the militia sections eight and fourteen, the words "militia or" wherever they occur in section seventeen, section eighteen, and the definition of "militia" in section nineteen
36 & 37 Vict c 84 -	An Act to explain the Militia Pay Acts, 1868 and 1869, and to facilitate the sale of property held for militia purposes	Section one
37 & 38 Vict c 29 -	The Militia Law Amendment Act, 1874	The whole Act
38 & 39 Vict c 69 -	The Militia (Voluntary Enlistment) Act, 1875	The whole Act
41 & 42 Vict c 10 -	An Act for punishing mutiny and desertion, and for the better payment of the army and their quarters	Sections forty-four, fifty-seven, fifty-eight, and eighty, and the schedule.
42 & 43 Vict c 32 -	The Army Discipline Regulation (Commencement) Act, 1879	Section five, from "as respects" to "and also," and so much of the rest of the section as keeps in force any portion of the Army Mutiny Act relating to the militia
44 & 45 Vict c 57 -	The Regulation of the Forces Act, 1881	Section two, from "the expression militia" to "non-commissioned officer," sections three to eight and so much of sections thirty-eight, thirty-nine, and fifty-three as relates to the militia

THIRD SCHEDULE.

Local Militia.

Enactments re-enacted with respect to local Militia.

33 & 34 Vict. c. 67. s. 20.

Service of notices on local Militia.

A Secretary of State may require the chief officer of police in every district in the United Kingdom to cause to be served within his district any notice which the Secretary of State may desire to be served on any member of the local Militia in such district; and all officers and men of every police force shall conform to the orders of a Secretary of State in relation to the service of such notices given through such chief officer.

34 & 35 Vict. c. 86. s. 6.

Jurisdiction of Her Majesty in relation to the local Militia.

(1.) All jurisdiction, powers, duties, command, and privileges over, of, or in relation to the local Militia, or any part thereof, which under any Acts, other than this Act, are vested in or exerciseable by the lieutenants of counties, shall be exerciseable by Her Majesty through a Secretary of State, or any officers to whom Her Majesty may, by and with the advice of a Secretary of State, delegate such jurisdiction, powers, duties, command, and privileges, or any of them, or any part thereof; saving nevertheless to the lieutenants of counties their jurisdictions, powers, duties, and privileges in relation to raising the local Militia by ballot, and the proceedings incidental thereto.

(2.) All officers in the local Militia shall be appointed by and hold commissions from Her Majesty; such commissions shall be prepared, authenticated, and issued in the manner in which commissions of officers in Her Majesty's land forces are prepared, authenticated, and issued, according to any law or custom for the time being in force.

(3.) First appointments to the lowest rank of officer in any corps of local Militia shall be given to persons recommended by the lieutenant of the county to which the corps belongs, if a person approved by Her Majesty is recommended by such lieutenant for any such appointment within thirty days after notice of a vacancy for such appointment has been given to such lieutenant by a Secretary of State, which notice may be given by a letter addressed to him by post.

34 & 35 Vict. c. 86. s. 7.

Number of local Militia.

The local Militia shall consist of such number of men as may from time to time be provided by Parliament.

34 & 35 Vict. c. 86. s. 8.

Training for Militia.

Men enrolled in the local Militia shall attend at the head-quarters of the corps in which they are enrolled, or at such other place and at such times as may be directed by a Secretary of State, for preliminary instruction for a period of not more than six months.

34 & 35 Vict. c. 86. s. 14.

Returns in relation to the local Militia.

All returns required or authorized to be made in relation to the local Militia by any Act for the time being in force shall be made to such persons as may be prescribed by a Secretary of State.

34 & 35 Vict. c. 86. s. 19.

In this schedule, if not inconsistent with the context,—

The expression "a Secretary of State" means "one of Her Majesty's principal Secretaries of State";

The expression "lieutenant of a county" includes a vice-lieutenant, also the Governor of the Isle of Wight, the Warden of the Cinque Ports, the

Warden of the Stannaries, the Constable of the Tower, and any other officer or officers however named having a jurisdiction in relation to the local Militia similar to that of lieutenant, or lieutenants, or deputy lieutenants of a county.

CHAPTER 50.

An Act for consolidating, with Amendments, enactments relating to Municipal Corporations in England and Wales. [18th August 1882.]

WHEREAS divers bodies corporate at sundry times have been constituted in the cities, towns, and boroughs of England and Wales, to the intent that the same might for ever be and remain well and quietly governed:

And whereas the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, "to "provide for the regulation of Municipal Corporations in England "and Wales," applies to most of those bodies constituted before the passing of that Act, and to every of those bodies constituted after the passing of that Act; and that Act having been from time to time much altered and added to by other Acts, it is expedient that all the Acts aforesaid be reduced into one Act with some amendments:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

PRELIMINARY.

1. This Act may be cited as the Municipal Corporations Act, 1882. **Short title.**

2. This Act is divided into Parts, as follows: **Division of Act into Parts.**

PART I.—Preliminary.
PART II.—Constitution and government of borough.
PART III.—Preparations for and procedure at elections.
PART IV.—Corrupt practices and election petitions.
PART V.—Corporate property and liabilities.
PART VI.—Charitable and other trusts and powers.
PART VII.—Borough fund: borough rate: county rate.
PART VIII.—Administration of justice.
PART IX.—Police.
PART X.—Freemen.
PART XI.—Grant of charters.
PART XII.—Legal proceedings.
PART XIII.—General.

3. This Act shall not extend to Scotland or Ireland. **Extent.**

4. This Act shall commence and have effect from and immediately after the thirty-first of December one thousand eight hundred and eighty-two. **Commencement.**

Repeals.

5. The enactments described in the First Schedule are hereby repealed, subject to the exceptions and qualifications in this Act mentioned.

Application.

6. This Act shall apply to every city and town to which the Municipal Corporations Act, 1835, applies at the commencement of this Act, and to any town, district, or place whereof the inhabitants are incorporated after the commencement of this Act, and whereto the provisions of the Municipal Corporation Acts are under this Act extended by charter, but to no other place.

Interpretation and construction.

7.—(1.) In this Act—

"Borough" means, unless a contrary intention appears, a city or town to which this Act applies:

"Municipal corporation" means the body corporate constituted by the incorporation of the inhabitants of a borough:

"Municipal Corporations Act, 1835," means the recited Act of King William the Fourth, the date of the passing whereof is the ninth of September one thousand eight hundred and thirty-five:

"Municipal Corporations Acts" means this Act and any Act to be passed amending this Act:

"Burgess" includes citizen:

"Corporate seal" means the common seal of a municipal corporation:

"Corporate office" means the office of mayor, alderman, councillor, elective auditor, or revising assessor:

"Corporate land" means land belonging to or held in trust for a municipal corporation:

"Municipal election" means an election to a corporate office:

"Parliamentary borough" means any borough, city, county of a city, county of a town, place, or combination of places, returning a member to serve in Parliament, and not being a county at large, or a riding, parts, or division of a county at large:

"Parliamentary election" means an election of a member to serve in Parliament:

"Parish" means any place for which a separate poor rate is or can be made:

"Overseers" means overseers of the poor of a parish, township, or place, and includes all persons who execute the duties of overseers:

"County" does not include a county of a city or county of a town, but includes a riding, parts, division, or liberty of a county:

"Trustees" means trustees, commissioners, or directors, or the persons charged with the execution of a trust or public duty, however designated:

"Person" includes a body of persons corporate or unincorporate:

"Treasury" means the Commissioners of Her Majesty's Treasury:

"The Secretary of State" means one of Her Majesty's Principal Secretaries of State:

"High Court" means Her Majesty's High Court of Justice:

"Justice" means one of Her Majesty's justices of the peace:

"Borough civil court" means an inferior court of record for the trial of civil actions which by charter, custom, or otherwise, is or

ought to be holden in a borough, but does not include a county court:

"Bank of England" means the Governor and Company of the Bank of England:

"Schedule" means schedule to this Act, and "Part" means Part of this Act:

"Writing" includes print, and "written" includes printed.

(2.) Words in this Act referring to a borough, municipal corporation, authority, officer, or office, shall be construed distributively as referring to each borough, corporation, authority, officer, or office to which or to whom the provision is applicable.

(3.) Words in this Act referring to a parish shall be construed, unless a contrary intention appears, as referring to every parish situate wholly or in part in a borough.

(4.) The schedules shall be read and have effect as if they were part of this Act.

PART II.

CONSTITUTION AND GOVERNMENT OF BOROUGH.

Corporate Name.

Corporate Name.

Name of municipal corporation.

8. The municipal corporation of a borough shall bear the name of the mayor, aldermen, and burgesses of the borough, or, in the case of a city, the mayor, aldermen, and citizens of the city.

Burgesses.

Burgesses.

Qualification of burgess.

9.—(1.) A person shall not be deemed a burgess for any purpose of this Act unless he is enrolled as a burgess.

(2.) A person shall not be entitled to be enrolled as a burgess unless he is qualified as follows:

(*a.*) Is of full age; and

(*b.*) Is on the fifteenth of July in any year, and has been during the whole of the then last preceding twelve months, in occupation, joint or several, of any house, warehouse, counting-house, shop, or other building (in this Act referred to as qualifying property), in the borough; and

(*c.*) Has during the whole of those twelve months resided in the borough, or within seven miles thereof; and

(*d.*) Has been rated in respect of the qualifying property to all poor rates made during those twelve months for the parish wherein the property is situate; and

(*e.*) Has on or before the twentieth of the same July paid all such rates, including borough rates (if any) as have become payable by him in respect of the qualifying property up to the then last preceding fifth of January.

(3.) Every person so qualified shall be entitled to be enrolled as a burgess, unless he—

(*a.*) Is an alien; or

(*b.*) Has within the twelve months aforesaid received union or parochial relief or other alms; or

(*c.*) Is disentitled under any Act of Parliament.

Council; Mayor, Aldermen, and Councillors.

Constitution of council.

Council; Mayor, Aldermen, and Councillors.

10.—(1.) The municipal corporation of a borough shall be capable of acting by the council of the borough, and the council shall exercise all powers vested in the corporation by this Act or otherwise.

(2.) The council shall consist of the mayor, aldermen, and councillors.

Qualification of councillor.

11.—(1.) The councillors shall be fit persons elected by the burgesses.

(2.) A person shall not be qualified to be elected or to be a councillor, unless he—

(*a.*) Is enrolled and entitled to be enrolled as a burgess; or

(*b.*) Being entitled to be so enrolled in all respects except that of residence, is resident beyond seven miles but within fifteen miles of the borough, and is entered in the separate non-resident list directed by this Act to be made; and

(*c.*) In either of those cases, is seised or possessed of real or personal property or both, to the value or amount, in the case of a borough having four or more wards, of one thousand pounds, and in the case of any other borough, of five hundred pounds, or is rated to the poor rate in the borough, in the case of a borough having four or more wards, on the annual value of thirty pounds, and in the case of any other borough of fifteen pounds

(3.) Provided, that every person shall be qualified to be elected and to be a councillor who is, at the time of election, qualified to elect to the office of councillor; which last-mentioned qualification for being elected shall be alternative for and shall not repeal or take away any other qualification.

(4.) But if a person qualified under the last foregoing proviso ceases for six months to reside in the borough, he shall cease to be qualified under that proviso, and his office shall become vacant, unless he was at the time of his election and continues to be qualified in some other manner.

Disqualifications for being councillor.

12.—(1.) A person shall be disqualified for being elected and for being a councillor, if and while he—

(*a.*) Is an elective auditor or a revising assessor, or holds any office or place of profit, other than that of mayor or sheriff, in the gift or disposal of the council; or

(*b.*) Is in holy orders, or the regular minister of a dissenting congregation; or

(*c.*) Has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the council:

(2.) But a person shall not be so disqualified, or be deemed to have any share or interest in such a contract or employment, by reason only of his having any share or interest in—

(*a.*) Any lease, sale, or purchase of land, or any agreement for the same; or

(*b.*) Any agreement for the loan of money, or any security for the payment of money only; or

(*c.*) Any newspaper in which any advertisement relating to the affairs of the borough or council is inserted; or

(*d.*) Any company which contracts with the council for lighting or supplying with water or insuring against fire any part of the borough; or

(*e.*) Any railway company, or any company incorporated by Act of Parliament or Royal charter, or under the Companies Act, 1862.

Council; Mayor, Aldermen, and Councillors.

25 & 26 Vict. c. 89.

13.—(1.) The term of office of a councillor shall be three years.

(2.) On the ordinary day of election of councillors in every year one third of the whole number of councillors for the borough or for the ward, as the case may be, shall go out of office, and their places shall be filled by election.

(3.) The third to go out shall be the councillors who have been longest in office without re-election.

Term of office and rotation of councillors.

14.—(1.) The aldermen shall be fit persons elected by the council.

(2.) The number of aldermen shall be one third of the number of councillors.

(3.) A person shall not be qualified to be elected or to be an alderman unless he is a councillor or qualified to be a councillor.

(4.) If a councillor is elected to, and accepts, the office of alderman he vacates his office of councillor.

(5.) The term of office of an alderman shall be six years.

(6.) On the ordinary day of election of aldermen in every third year one half of the whole number of aldermen shall go out of office, and their places shall be filled by election.

(7.) The half to go out shall be those who have been aldermen for the longest time without re-election.

Number, term of office, and rotation of aldermen.

15.—(1.) The mayor shall be a fit person elected by the council from among the aldermen or councillors or persons qualified to be such.

(2.) An outgoing alderman is eligible.

(3.) The term of office of the mayor shall be one year, but he shall continue in office until his successor has accepted office and made and subscribed the required declaration.

(4.) He may receive such remuneration as the council think reasonable.

(5.) He shall, subject to the provisions of this Act respecting justices, have precedence in all places in the borough.

(6.) The mayor of a borough named in the schedules to the Municipal Corporations Act, 1835, shall be capable in law to do and suffer all acts which the chief officer of the borough might at the passing of that Act lawfully do or suffer, as far as the same were not altered or annulled by that Act, or have not been altered or annulled by any subsequent Act.

Qualification, term of office, salary, precedence, and powers of mayor.

16.—(1.) The mayor may from time to time appoint an alderman or councillor to act as deputy mayor during the illness or absence of the mayor.

(2.) The appointment shall be signified to the council in writing and be recorded in their minutes.

Power of mayor to appoint deputy.

Council; Mayor, Aldermen, and Councillors.

(3.) A deputy mayor may, while acting as such, do all acts which the mayor as such might do, except that he shall not take the chair at a meeting of the council unless specially appointed by the meeting to do so, and shall not, unless he is a justice, act as a justice or in any judicial capacity.

Officers of Council.

Officers of Council.

The town clerk and deputy.

17.—(1.) The council shall from time to time appoint a fit person, not a member of the council, to be the town clerk of the borough.

(2.) The town clerk shall hold office during the pleasure of the council.

(3.) He shall have the charge and custody of, and be responsible for, the charters, deeds, records, and documents of the borough, and they shall be kept as the council direct.

(4.) A vacancy in the office shall be filled within twenty-one days after its occurrence.

(5.) In case of the illness or absence of the town clerk, the council may appoint a deputy town clerk, to hold office during their pleasure.

(6.) All things required or authorized by law to be done by or to the town clerk may be done by or to the deputy town clerk.

The treasurer.

18.—(1.) The council shall from time to time appoint a fit person not a member of the council, to be the treasurer of the borough.

(2.) The treasurer shall hold office during the pleasure of the council.

(3.) A vacancy in the office shall be filled within twenty-one days after its occurrence.

(4.) The offices of town clerk and treasurer shall not be held by the same person.

Other borough officers.

19. The council shall from time to time appoint such other officers as have been usually appointed in the borough, or as the council think necessary, and may at any time discontinue the appointment of any officer appearing to them not necessary to be re-appointed.

Security by and remuneration of officers.

20. The council shall require every officer appointed by them to give such security as they think proper for the due execution of his office, and shall allow him such remuneration as they think reasonable.

Accountability of officers.

21.—(1.) Every officer appointed by the council shall at such times during the continuance of his office, or within three months after his ceasing to hold it, and in such manner as the council direct, deliver to the council, or as they direct, a true account in writing of all matters committed to his charge, and of his receipts and payments, with vouchers, and a list of persons from whom money is due for purposes of this Act in connexion with his office, shewing the amount due from each.

(2.) Every such officer shall pay all money due from him to the treasurer, or as the council direct.

(3.) If any such officer—

(*a.*) Refuses or wilfully neglects to deliver any account or list which he ought to deliver, or any voucher relating thereto, or to make any payment which he ought to make; or

Officers of Council

(*b*) After three days notice in writing signed by the town clerk or by three members of the council, given or left at his usual or last known place of abode refuses or wilfully neglects to deliver to the council, or as they direct, any book or document which he ought so to deliver, or to give satisfaction respecting it to the council or as they direct,

a court of summary jurisdiction having jurisdiction where the officer is or resides may, by summary order, require him to make such delivery or payment, or to give such satisfaction

(4) But nothing in this section shall affect any remedy by action against any such officer or his surety, except that the officer shall not be both sued by action and proceeded against summarily for the same cause

Meetings and Proceedings of Council, Committees

Meetings and Proceedings of Council, Committees

22.—(1) The rules in the Second Schedule shall be observed

Quarterly and other meetings of council, appointment of committees, minutes, &c

(2) The council may from time to time appoint out of their own body such and so many committees, either of a general or special nature, and consisting of such number of persons, as they think fit, for any purposes which, in the opinion of the council, would be better regulated and managed by means of such committees, but the acts of every such committee shall be submitted to the council for their approval

(3) A member of the council shall not vote or take part in the discussion of any matter before the council, or a committee, in which he has directly or indirectly, by himself or by his partner, any pecuniary interest

(4) No act or proceeding of the council, or of a committee, shall be questioned on account of any vacancy in their body

(5) A minute of proceedings at a meeting of the council, or of a committee, signed at the same or the next ensuing meeting, by the mayor, or by a member of the council, or of the committee, describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof

(6) Until the contrary is proved, every meeting of the council, or of a committee in respect of the proceedings whereof a minute has been so made shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes

Byelaws

Byelaws

Power of council to make byelaws

23.—(1) The council may, from time to time, make such byelaws as to them seem meet for the good rule and government of the borough and for prevention and suppression of nuisances not already punishable in a summary manner by virtue of any Act in force throughout the borough, and may thereby appoint such fines not exceeding in any case five pounds as they deem necessary for the prevention and suppression of offences against the same

Byelaws.

(2.) Such a byelaw shall not be made unless at least two thirds of the whole number of the council are present.

(3.) Such a byelaw shall not come into force until the expiration of forty days after a copy thereof has been fixed on the town hall.

(4.) Such a byelaw shall not come into force until the expiration of forty days after a copy thereof, sealed with the corporate seal, has been sent to the Secretary of State; and if within those forty days the Queen, with the advice of Her Privy Council, disallows the byelaw or part thereof, the byelaw or part disallowed shall not come into force; but it shall be lawful for the Queen, at any time within those forty days, to enlarge the time within which the byelaw shall not come into force, and in that case the byelaw shall not come into force until after the expiration of that enlarged time.

(5.) Any offence against such a byelaw may be prosecuted summarily.

38 & 39 Vict. c. 55.

(6.) Nothing in this section shall interfere with the operation of section one hundred and eighty-seven of the Public Health Act, 1875; and that section shall have effect as if this section were therein referred to, instead of section ninety of the Municipal Corporations Act, 1835; but nothing in the Public Health Act, 1875, shall be construed as having restricted the meaning or scope of the Municipal Corporations Act, 1835, or as restricting the meaning or scope of this section, with respect to prevention or suppression of nuisances.

Evidence of byelaws.

24. The production of a written copy of a byelaw made by the council under this Act, or under any former or present or future general or local Act of Parliament, if authenticated by the corporate seal shall, until the contrary is proved, be sufficient evidence of the due making and existence of the byelaw, and, if it is so stated in the copy, of the byelaw having been approved and confirmed by the authority whose approval or confirmation is required to the making or before the enforcing of the byelaw.

Accounts and Audit.

Accounts and Audit.

The borough auditors.

25.—(1.) There shall be three borough auditors, two elected by the burgesses, called elective auditors, and one appointed by the mayor, called mayor's auditor.

(2.) An elective auditor must be qualified to be a councillor, but may not be a member of the council or the town clerk or the treasurer.

(3.) The mayor's auditor must be a member of the council.

(4.) The term of office of each auditor shall be one year.

(5.) The appointment of the mayor's auditor shall be made on the ordinary day of election of the elective auditors.

(6.) On a casual vacancy in his office an appointment to fill it shall be made within ten days after the occurrence of the vacancy.

Half-yearly accounts of treasurer.

26. The treasurer shall make up his accounts half-yearly to such dates as the council, with the approval of the Local Government Board, from time to time appoint; and, subject to any such appointment, to the dates in use at the commencement of this Act.

Audit and publication of treasurer's accounts.

27.—(1.) The treasurer shall within one month from the date to which he is required to make up his accounts in each half year,

submit them, with the necessary vouchers and papers, to the borough auditors, and they shall audit them.

Accounts and Audit.

(2.) After the audit of the accounts for the second half of each financial year the treasurer shall print a full abstract of his accounts for that year.

28.—(1.) The town clerk shall make a return to the Local Government Board of the receipts and expenditure of the municipal corporation for each financial year.

Returns to Local Government Board.

(2.) The return shall be made for the financial year ending on the twenty-fifth of March, or on such other day as the Local Government Board, on the application of the council, from time to time prescribe.

(3.) The return shall be in such form and contain such particulars as the Local Government Board from time to time direct.

(4.) The return shall be sent to the Local Government Board within one month after the completion of the audit for the second half of each financial year.

(5.) If the town clerk fails to make any return required under this section, he shall for each offence be liable to a fine not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(6.) The Local Government Board shall in each year prepare an abstract of the returns made in pursuance of this section, under general heads, and it shall be laid before both Houses of Parliament.

Revising Assessors.

Revising Assessors.

29.—(1.) In every borough whereof no part of the area is co-extensive with or included in the area of a parliamentary borough, there shall be two revising assessors elected by the burgesses.

Revising assessors in non-parliamentary boroughs.

(2.) Every person shall be eligible who is qualified to be a councillor and is not a member of the council or the town clerk or treasurer.

(3.) The term of office of each revising assessor shall be one year.

(4.) Every revising assessor shall, as soon as conveniently may be after his election, and from time to time as occasion requires, appoint, by writing signed by him, a person eligible to the office of revising assessor, to be his deputy, to act for him in case of his illness or incapacity to act.

(5.) The appointment shall be signified to the council, in writing signed by the assessor, and be recorded in their minutes.

Division of Borough into Wards, or alteration of Wards.

Division of Borough into Wards, or alteration of Wards.

30.—(1.) If two thirds of the council of a borough agree to petition, and the council thereupon petition, the Queen for the division of the borough into wards, or for the alteration of the number and boundaries of its wards, it shall be lawful for Her Majesty from time to time, by Order in Council, to fix the number of wards into which the borough shall be divided; and the borough shall be divided into that number of wards.

Proceedings for division of borough into wards or alteration of wards.

(2.) Notice of the petition, and of the time when it pleases Her Majesty to order that the same be taken into consideration by

Division of Borough into Wards, or alteration of Wards.

Her Privy Council, shall be published in the London Gazette one month at least before the petition is so considered.

(3.) Where an Order in Council has been so made, the Secretary of State shall appoint a commissioner to prepare a scheme for determining the boundaries of the wards and apportioning the councillors among them.

(4.) In case of division into wards, the commissioner shall apportion all the councillors among the wards.

(5.) In case of alteration of wards, he shall so apportion among the altered wards the councillors for those wards as to provide for their continuing to represent as large a number as possible of their former constituents.

(6.) In either case, each councillor shall hold his office in the ward to which he is assigned for the same time that he would have held it had the borough remained undivided or the wards unaltered.

(7.) In case of division into wards the returning officer at the first election for each ward held after the division shall, notwithstanding anything in this Act, be the mayor or a person appointed by the mayor.

(8.) If by reason of any division or alteration under this section any doubt arises as to which councillor should go out of office, the doubt may be determined by the council.

(9.) The division of a borough into a greater number of wards shall not affect the qualification of aldermen or councillors.

(10.) The number of councillors assigned to each ward shall be a number divisible by three; and in fixing their number the commissioner shall, as far as he deems it practicable, have regard as well to the number of persons rated in the ward as to the aggregate rating of the ward.

(11.) The commissioner shall make the scheme in duplicate, and shall deliver one of the duplicates to the town clerk, and shall send the other to the Secretary of State, to be submitted by him to Her Majesty in Council for approval.

(12.) The scheme shall be published in the London Gazette, and shall come into operation at the date of that publication, and thenceforth the boundaries of wards and apportionment of councillors determined and made by the scheme shall be observed and be in force.

(13.) If Her Majesty in Council does not approve the scheme, as originally prepared by the commissioner, it shall nevertheless be published in the London Gazette, and shall be in force for the purposes of any municipal election until Her Majesty in Council, on further information and report from the commissioner, definitively approves a scheme in that behalf.

(14.) The commissioner may administer oaths, and may require any person having the custody of any book containing a poor rate made for a parish to produce the book for his inspection; and every person required by the commissioner to answer any question put to him for the purposes of this section shall answer it.

(15.) The commissioner shall have remuneration as appearing by the Fourth and Fifth Schedules.

Supplemental and Exceptional Provisions.

Supplemental and Exceptional Provisions.

31. In and for the purposes of this Act—

Occupation of part of house.

(*a.*) The terms house, warehouse, counting house, shop, or other building include any part of a house, where that part is separately occupied for the purposes of any trade, business, or profession; and any such part may, for the purpose of describing the qualification, be described as office, chambers, studio, or by any like term applicable to the case.

(*b.*) Where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

Claim by occupier to be rated.

32.—(1.) If an occupier of any qualifying property, whether the landlord is or is not liable to be rated to the poor rate in respect thereof, claims to be rated to the poor rate in respect thereof, and pays or tenders to the overseers of the parish where the property is situate the full amount of the poor rate last made in respect of the property, the overseers shall put the occupier's name on the rate book in respect of that rate.

(2.) If they fail to do so, he shall nevertheless for the purposes of this Act be deemed rated to that rate.

Rules as to qualification of burgess on succession, &c.

33.—(1.) Where a person succeeds to qualifying property by descent, marriage, marriage settlement, devise, or promotion to a benefice or office, then, for the purpose of qualification, the occupancy of the property by a predecessor in title, and the rating of the predecessor in respect thereof, shall be equivalent to the occupancy and rating of the successor; and rating in the name of the predecessor shall, until a new rate is made after the date of succession, be equivalent to rating in the name of the successor; and the successor shall not be required to prove his own residence, occupancy, or rating before the succession.

(2.) The qualifying property need not be throughout the twelve months constituting the period of qualification the same property or in the same parish.

(3.) Where by law a borough rate is payable by instalments, payment by any person of any such instalment shall, as regards his qualification to be enrolled as a burgess, be deemed a payment of the borough rate in respect of the period to which the instalment applies.

(4.) A person shall not be disentitled to be enrolled as a burgess by reason only—

(*a.*) That he has received medical or surgical assistance from the trustees of the municipal charities, or has been removed, by order of a justice, to a hospital or place for reception of the sick, at the cost of any local authority; or

(*b.*) That his child has been admitted to and taught in any public or endowed school.

Obligation to accept office or pay fine.

34.—(1.) Every qualified person elected to a corporate office, unless exempt under this section or otherwise by law, either shall accept the office by making and subscribing the declaration required by this Act within five days after notice of election, or shall, in

Supplemental and Exceptional Provisions.

lieu thereof, be liable to pay to the council a fine of such amount not exceeding, in case of an alderman, councillor, elective auditor, or revising assessor, fifty pounds, and in case of a mayor one hundred pounds, as the council by byelaw determine.

(2.) If there is no byelaw determining fines, the fine, in case of an alderman, councillor, elective auditor, or revising assessor, shall be twenty-five pounds, and in case of a mayor fifty pounds.

(3.) The persons exempt under this section are—

(*a.*) Any person disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body; and

(*b.*) Any person who, being above the age of sixty-five years, or having within five years before the day of his election either served the office or paid the fine for non-acceptance thereof, claims exemption within five days after notice of his election.

(4.) A fine payable under this section shall be recoverable summarily.

Declaration on acceptance of office.

35. A person elected to a corporate office shall not, until he has made and subscribed before two members of the council, or the town clerk, a declaration as in the Eighth Schedule, act in the office except in administering that declaration.

Fine on resignation, &c.

36.—(1.) A person elected to a corporate office may at any time, by writing signed by him and delivered to the town clerk, resign the office, on payment of the fine provided for non-acceptance thereof.

(2.) In any such case the council shall forthwith declare the office to be vacant, and signify the same by notice in writing, signed by three members of the council and countersigned by the town clerk, and fixed on the town hall, and the office shall thereupon become vacant.

(3.) No person enabled by law to make an affirmation instead of taking an oath shall be liable to any fine for non-acceptance of office by reason of his refusal on conscientious grounds to take any oath or make any declaration required by this Act or to take on himself the duties of the office.

Re-eligibility of office holders

37. A person ceasing to hold a corporate office shall, unless disqualified to hold the office, be re-eligible.

Mayor and aldermen to continue members of council.

38. The mayor and aldermen shall, during their respective offices, continue to be members of the council, notwithstanding anything in this Act as to councillors going out of office at the end of three years.

Avoidance of office by bankruptcy or absence.
32 & 33 Vict. c. 71.

39.—(1.) If the mayor, or an alderman or councillor—

(*a.*) Is declared bankrupt, or compounds by deed with his creditors, or makes an arrangement or composition with his creditors, under the Bankruptcy Act, 1869, by deed or otherwise; or

(*b.*) Is (except in case of illness) continuously absent from the borough, being mayor, for more than two months, or, being alderman or councillor, for more than six months:

he shall thereupon immediately become disqualified and shall cease to hold the office.

(2.) In any such event the council shall forthwith declare the office to be vacant, and signify the same by notice signed by three

members of the council, and countersigned by the town clerk, and fixed on the town hall, and the office shall thereupon become vacant.

Supplemental and Exceptional Provisions.

(3.) Where a person becomes so disqualified by being declared bankrupt, or compounding, or making an arrangement or composition, as aforesaid, the disqualification, as regards subsequent elections, shall, in case of bankruptcy, cease on his obtaining his order of discharge, and shall, in case of a compounding or composition as aforesaid, cease on payment of his debts in full, and shall, in case of an arrangement as aforesaid, cease on his obtaining his certificate of discharge.

(4.) Where a person becomes so disqualified by absence, he shall be liable to the same fine as for non-acceptance of office, recoverable summarily, but the disqualification shall, as regards subsequent elections, cease on his return.

Filling of casual vacancies.

40.—(1.) On a casual vacancy in a corporate office, an election shall be held by the same persons and in the same manner as an election to fill an ordinary vacancy; and the person elected shall hold the office until the time when the person in whose place he is elected would regularly have gone out of office, and he shall then go out of office.

(2.) In case of more than one casual vacancy in the office of councillor being filled at the same election, the councillor elected by the smallest number of votes shall be deemed to be elected in the place of him who would regularly have first gone out of office, and the councillor elected by the next smallest number of votes shall be deemed to be elected in the place of him who would regularly have next gone out of office, and so with respect to the others; and if there has not been a contested election, or if any doubt arises, the order of rotation shall be determined by the council.

(3.) Non-acceptance of office by a person elected creates a casual vacancy.

Penalty on unqualified person acting in office.

41.—(1.) If any person acts in a corporate office without having made the declaration by this Act required, or without being qualified at the time of making the declaration, or after ceasing to be qualified, or after becoming disqualified, he shall for each offence be liable to a fine not exceeding fifty pounds, recoverable by action.

(2.) A person being in fact enrolled in the burgess roll shall not be liable to a fine for acting in a corporate office on the ground only that he was not entitled to be enrolled therein.

Validity of acts done notwithstanding disqualification, &c.

42.—(1.) The acts and proceedings of a person in possession of a corporate office, and acting therein, shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

(2.) An election of a person to a corporate office shall not be liable to be questioned by reason of a defect in the title, or want of title, of the person before whom the election was had, if that person was then in actual possession of, or acting in, the office giving the right to preside at the election.

(3.) A burgess roll shall not be liable to be questioned by reason of a defect in the title, or want of title, of the mayor or any revising authority by whom it is revised, if he was then in actual possession and exercise of the office of mayor or revising authority.

Supplemental and Exceptional Provisions.

Duties of town clerk, deputy, and treasurer, during vacancy or incapacity.

43. If there is no town clerk, and no deputy town clerk, or there is no treasurer, or the town clerk, deputy town clerk, or treasurer (as the case may be) is incapable of acting, all acts by law authorised or required to be done by or with respect to the town clerk or the treasurer (as the case may be) may, subject to the provisions of any other Act, be done by or with respect to a person appointed in that behalf by the mayor.

PART III.

PREPARATIONS FOR AND PROCEDURE AT ELECTIONS.

Parish Burgess Lists; Burgess Rolls; Ward Rolls.

Parish Burgess Lists; Burgess Rolls; Ward Rolls.

Preparation and revision of parish burgess lists.

41 & 42 Vict. c. 26.

44.—(1.) Where the whole or part of the area of a borough is co-extensive with or included in the area of a parliamentary borough, the lists of burgesses are to be made out and revised, and claims and objections relating thereto are to be made, in accordance with the provisions of the Parliamentary and Municipal Registration Act, 1878.

(2.) Where no part of the area of a borough is co-extensive with or included in the area of a parliamentary borough, the lists of burgesses shall be made out and revised, and claims and objections relating thereto may be made, in accordance, as nearly as may be, with the provisions of Part I. of the Third Schedule.

(3.) In either case the lists shall be styled the parish burgess lists.

The burgess roll and ward rolls.

45.—(1.) When the parish burgess lists have been revised and signed, the revising authority shall deliver them to the town clerk, and a printed copy thereof, examined by him and signed by him, shall be the burgess roll of the borough.

(2.) The burgess roll shall be completed on or before the twentieth of October in each year, and shall come into operation on the first of November in that year, and shall continue in operation for the twelve months beginning on that day.

(3.) The names in the burgess roll shall be numbered by wards or by polling districts, unless in any case the council direct that the same be numbered consecutively without reference to wards or polling districts.

(4.) Where the borough has no wards, the burgess roll shall be made in one general roll for the whole borough.

(5.) Where the borough has wards, the burgess roll shall be made in separate rolls, called ward rolls, one for each ward, containing the names of the persons entitled to vote in that ward, and the ward rolls collectively shall constitute the burgess roll.

(6.) A burgess shall not be enrolled in more than one ward roll.

(7.) Where a duplicate of a burgess list is made under section thirty-one of the Parliamentary and Municipal Registration Act, 1878, it shall have the same effect as the original, and may be delivered instead thereof.

(8.) Every person enrolled in the burgess roll shall be deemed to be enrolled as a burgess, and every person not enrolled in the burgess roll shall be deemed to be not enrolled as a burgess.

(9.) No stamp duty shall be payable in respect of the enrolment of a burgess.

Parish Burgess Lists; Burgess Rolls; Ward Rolls.

Arrangement of lists and rolls.

46.—(1.) If and as far as the council so direct, the parish burgess lists, and the burgess roll, and the ward rolls (if any), and the lists of claimants and respondents, or any of those documents, shall be arranged in the same order in which the qualifying properties appear in the rate book for the parish in which they are situate, or otherwise in such order as will cause those lists and rolls to record the qualifying properties in successive order in the street or other place in which they are situate.

(2.) Subject to any such direction, and to the provisions of this Act as to polling districts, the arrangement of the lists and rolls shall be alphabetical.

Correction of burgess roll.

47.—(1.) Where the parish burgess lists are revised under the Parliamentary and Municipal Registration Act, 1878, the burgess roll is subject to alteration or correction in manner provided by section thirty-five of that Act.

(2.) Where the parish burgess lists are revised under this Act, any person whose claim has been rejected or name expunged at the revision of the lists may apply, within two months after the last sitting of the revision court, to the High Court in the Queen's Bench Division for a mandamus to the mayor to insert his name in the burgess roll; and thereupon the court shall inquire into the title of the applicant to be enrolled.

(3.) If the court grants a mandamus, the mayor shall insert the name in the burgess roll, and shall add thereto the words "by order of Her Majesty's High Court of Justice," and shall subscribe his name to those words.

Printing and sale of burgess roll and other documents.

48.—(1.) The town clerk shall cause the parish burgess lists, the lists of claimants and respondents, and the burgess roll, to be printed, and shall deliver printed copies to any person on payment of a reasonable price for each copy.

(2.) Subject to section thirty of the Parliamentary and Municipal Registration Act, 1878, the proceeds of sale shall go to the borough fund.

Separate list of persons qualified to be councillors but not to be burgesses.

49.—(1.) The overseers of each parish shall at the same time that they make the parish burgess list make a list of the persons entitled in respect of the occupation of property in that parish to be elected councillors, as being resident within fifteen miles although beyond seven miles from the borough.

(2.) The provisions of this Act as to the parish burgess lists, and claims and objections relating thereto, and the revision of those lists shall, as nearly as circumstances admit, apply to the lists made under this section.

(3.) The town clerk shall arrange the names entered in these lists, when revised, in alphabetical order as a separate list (in this Act called the separate non-resident list), with an appropriate heading, at the end of the burgess roll.

Election of Councillors.

Election of Councillors.

Borough and ward elections.

50.—(1.) Where a borough has no wards, there shall be one election of councillors for the whole borough.

(2.) Where a borough has wards, there shall be a separate election of councillors for each ward.

Election of Councillors.
Title to vote.

51.—(1.) At an election of councillors a person shall be entitled to subscribe a nomination paper, and to demand and receive a voting paper, and to vote, if he is enrolled in the burgess roll, or, in the case of a ward election, the ward roll, and not otherwise.

(2.) No person shall subscribe a nomination paper in or for more than one ward, or vote in more than one ward.

(3.) Nothing in this section shall entitle any person to do any act therein mentioned who is prohibited by law from doing it, or relieve him from any penalty to which he may be liable for doing it.

Day of election.

52. The ordinary day of election of councillors shall be the first of November.

Returning officer at election.

53.—(1.) At an election of councillors for a whole borough the returning officer shall be the mayor.

(2.) At an election for a ward the returning officer shall be an alderman assigned for that purpose by the council at the meeting of the ninth of November.

Notice of election.

54. Nine days at least before the day for the election of a councillor, the town clerk shall prepare and sign a notice thereof, and publish it by fixing it on the town hall, and, in the case of a ward election, in some conspicuous place in the ward.

Nomination of candidates.

55. The nomination of candidates for the office of councillor shall be conducted in accordance with the rules in Part II. of the Third Schedule.

Relation of nomination to election.

56.—(1.) If the number of valid nominations exceeds that of the vacancies, the councillors shall be elected from among the persons nominated.

(2.) If the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected.

(3.) If the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and such of the retiring councillors for the borough or ward as were highest on the poll at their election, or, if the poll was equal, or there was no poll, as are selected for that purpose by the mayor, shall be deemed to be re-elected to make up the required number.

(4.) If there is no valid nomination, the retiring councillors shall be deemed to be re-elected.

Publication of uncontested election.

57. If an election of councillors is not contested, the returning officer shall publish a list of the persons elected not later than eleven o'clock in the morning on the day of election.

Mode of conducting poll at contested election.
35 & 36 Vict. c. 33.

58.—(1.) If an election of councillors is contested, the poll shall, as far as circumstances admit, be conducted as the poll at a contested parliamentary election is by the Ballot Act, 1872, directed to be conducted, and, subject to the modifications expressed in Part III. of the Third Schedule, and to the other provisions of this Act, the provisions of the Ballot Act, 1872, relating to a poll at a parliamentary election (including the provisions relating to the duties of the returning officer after the close of the poll), shall apply to a poll at an election of councillors.

(2.) Every person entitled to vote may vote for any number of candidates not exceeding the number of vacancies.

(3.) The poll shall commence at nine o'clock in the forenoon and close at four o'clock in the afternoon of the same day.

Election of Councillors

(4) But if one hour elapses during which no vote is tendered, and the returning officer has not received notice that any person has within that hour been prevented from coming to the poll by any riot violence, or other unlawful means, the returning officer may, if he thinks fit, close the poll at any time before four o'clock

(5) Where an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer, whether entitled or not to vote in the first instance, may give such additional vote by word of mouth or in writing

(6) Nothing in the Ballot Act, 1872, as applied by this Act, shall be deemed to authorize the appointment of any agents of a candidate at a municipal election, but if, in the case of a municipal election, an agent of a candidate is appointed, and notice in writing of the appointment is given to the returning officer, one clear day before the polling day, then the provisions of the Ballot Act, 1872, with respect to agents of candidates, shall, as far as regards that agent, apply in the case of that election

Questions which may be put to voters

59.—(1) At an election of councillors, the presiding officer shall, if required by two burgesses, or by a candidate or his agent, put to any person offering to vote, at the time of his presenting himself to vote, but not afterwards, the following questions, or either of them

(*a*) Are you the person enrolled in the burgess [*or* ward] roll now in force for this borough [*or* ward] as follows [*read the whole entry from the roll*]?

(*b.*) Have you already voted at the present election [*add, in case of an election for several wards,* in this or any other ward]?

(2) The vote of a person required to answer either of these questions shall not be received until he has answered it

(3) If any person wilfully makes a false answer thereto he shall be guilty of a misdemeanour

(4) Save as by this Act authorized, no inquiry shall be permitted at an election as to the right of any person to vote

Election of Aldermen

Election of Aldermen

Time and mode of election of aldermen,

60.—(1) The ordinary day of election of aldermen shall be the ninth of November, and the election shall be held at the quarterly meeting of the council

(2) The election shall be held immediately after the election of the mayor, or, if there is a sheriff, the appointment of the sheriff

(3) An outgoing alderman, although mayor elect, shall not vote.

(4.) Every person entitled to vote may vote for any number of persons not exceeding the number of vacancies, by signing and personally delivering at the meeting to the chairman a voting paper containing the surnames and other names and places of abode and descriptions of the persons for whom he votes

(5) The chairman, as soon as all the voting papers have been delivered to him, shall openly produce and read them, or cause them to be read and then deliver them to the town clerk to be kept for twelve months

Election of Aldermen.

(6.) In case of equality of votes the chairman, although as an outgoing alderman or otherwise not entitled to vote in the first instance, shall have the casting vote.

(7.) The persons, not exceeding the number of vacancies, who have the greatest number of votes, shall be declared by the chairman to be, and thereupon shall be, elected.

Election of Mayor.

Time and mode of election of mayor.

Election of Mayor.

61.—(1.) The ordinary day of election of mayor shall be the ninth of November.

(2.) The election of mayor shall be the first business transacted at the quarterly meeting of the council on the day of election.

(3.) An outgoing alderman may vote although the person for whom he votes is an alderman.

(4.) In case of equality of votes, the chairman, although not entitled to vote in the first instance, shall have the casting vote.

Election of Auditors and Assessors.

Time and mode of election of auditors and assessors.

Election of Auditors and Assessors.

62.—(1.) The ordinary day of election of elective auditors shall be the first of March, or such other day as the council, with the approval of the Local Government Board, from time to time appoint.

(2.) The ordinary day of election of revising assessors shall be the first of March.

(3.) If the election of elective auditors and that of revising assessors are held at the same time, then at the poll one voting paper only shall be used by any person voting. The names of the candidates for the respective offices shall be therein separate, and distinguished so as to show the office for which each is a candidate, and the provisions of the Ballot Act, 1872, shall be varied accordingly; but in the counting of the votes every voting paper shall be deemed to be a separate voting paper in respect of each office, and any objections thereto shall be considered and dealt with accordingly.

(4.) An elector shall not vote for more than one person to be elective auditor or revising assessor.

(5.) Elections of elective auditors and of revising assessors shall be held at the town hall or some one other convenient place appointed by the mayor.

(6.) Save as in this section provided, all the provisions of this Act with respect to the nomination and election of councillors for a borough not having wards shall apply to the nomination and election of elective auditors and revising assessors.

Supplemental and Exceptional Provisions.

Right of women to vote.

Polling districts

Supplemental and Exceptional Provisions.

63. For all purposes connected with and having reference to the right to vote at municipal elections words in this Act importing the masculine gender include women.

64. The council may divide the borough or any ward into polling districts, and thereupon the overseers shall, as far as practicable, make out the parish burgess lists so as to divide the names in conformity with the polling districts.

Supplemental and Exceptional Provisions.

Notices as to elections.

65. Any notice required to be given in connexion with a municipal election may, as to elective auditors and revising assessors, be comprised in one notice, and may, as to ward elections, comprise matter necessary for several wards.

Time for filling casual vacancies.

66.—(1.) On a casual vacancy in a corporate office, the election shall be held within fourteen days after notice in writing of the vacancy has been given to the mayor or town clerk by two burgesses.

(2.) Where the office vacant is that of mayor, the notice of the meeting for the election shall be signed by the town clerk.

(3.) In other cases the day of election shall be fixed by the mayor.

Illness, &c. of mayor or returning officer.

67.—(1.) If the mayor is dead, or is absent or otherwise incapable of acting in the execution of his powers and duties as to elections under this Act, the council shall forthwith choose an alderman to execute those powers and duties in the place of the mayor.

(2.) In case of the illness, absence, or incapacity to act of the alderman assigned to be returning officer at a ward election, the mayor may appoint to act in his stead another alderman, or, if the number of aldermen does not exceed the number of wards, a councillor not being a councillor for that ward, and not being enrolled in the ward roll for that ward.

Election of councillor in more than one ward.

68. If a person is elected councillor in more than one ward, he shall, within three days after notice thereof, choose, by writing signed by him and delivered to the town clerk, or in his default the mayor shall, within three days after the time for choice has expired, declare, for which of those wards he shall serve, and the choice or declaration shall be conclusive.

Elections not in churches.

69. A municipal election shall not be held in any church, chapel, or other place of public worship.

Omission to hold election, or election void.

70.—(1.) If a municipal election is not held on the appointed day or within the appointed time, it may be held on the day next after that day or the expiration of that time.

(2.) If a municipal election is not held on the appointed day or within the appointed time, or on the day next after that day or the expiration of that time, or becomes void, the municipal corporation shall not thereby be dissolved or be disabled from electing, but the High Court may, on motion, grant a mandamus for the election to be held on a day appointed by the court.

(3.) Thereupon public notice of the election shall, by such person as the court directs, be fixed on the town hall, and shall be kept so fixed for at least six days before the day appointed for the election; and in all other respects the election shall be conducted as directed by this Act respecting ordinary elections.

Burgess roll to be in operation until revision of new burgess roll.

71.—(1.) If a parish burgess list is not made or revised in due time, the corresponding part of the burgess roll in operation before the time appointed for the revision shall be the parish burgess list until a burgess list for the parish has been revised and become part of the burgess roll.

(2.) If a burgess roll is not made in due time, the burgess roll in force before the time appointed for the revision shall continue in force until the new burgess roll is made.

Supplemental and Exceptional Provisions.

Non-compliance with rules.

72. An election shall not be invalidated by non-compliance with the rules in the Third Schedule, or mistake in the use of the forms in the Eighth Schedule, if it appears to the court having cognisance of the question that the election was conducted in accordance with the principles laid down in the body of this Act.

Election valid unless questioned within twelve months.

73. Every municipal election not called in question within twelve months after the election, either by election petition or by information in the nature of a quo warranto, shall be deemed to have been to all intents a good and valid election.

Offences in relation to nomination papers.

74.—(1.) If any person forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the town clerk any forged nomination paper, knowing it to be forged, he shall be guilty of a misdemeanour, and shall be liable to imprisonment for any term not exceeding six months, with or without hard labour.

(2.) An attempt to commit any such offence shall be punishable as the offence is punishable.

Offences in relation to lists and elections.

75.—(1.) If a mayor or revising assessor neglects or refuses to revise a parish burgess list, or a mayor or alderman neglects or refuses to conduct or declare an election, as required by this Act, he shall for every such offence be liable to a fine not exceeding one hundred pounds, recoverable by action.

(2.) If—

(*a.*) An overseer neglects or refuses to make, sign, or deliver a parish burgess list, as required by this Act; or

(*b.*) A town clerk neglects or refuses to receive, print, and publish, a parish burgess list or list of claimants or respondents, as required by this Act; or

(*c.*) An overseer or town clerk refuses to allow any such list to be inspected by a person having a right thereto;

he shall for every such neglect or refusal be liable to a fine not exceeding fifty pounds, recoverable by action.

(3.) An action under this section shall not lie after three months from the neglect or refusal. A moiety of any fine recovered therein shall, after payment of the costs of action, be paid to the plaintiff.

Revival of former law on expiration of Ballot Act.

76.—(1.) If the Ballot Act, 1872, ceases to be in force, so much of this Act as directs that the poll at a contested election of councillors shall be conducted as the poll at a contested parliamentary election is by the Ballot Act, 1872, directed to be conducted, and as applies provisions of the Ballot Act, 1872, to a poll at a contested election of councillors, shall forthwith cease to be in force, and thereupon the enactments in Part IV. of the Third Schedule shall revive and be in force.

(2.) But this cesser and revivor shall not affect any act done, right acquired, or liability or fine incurred, or the institution or prosecution to its termination of any proceeding in respect of any such right, liability, or fine.

PART IV.

CORRUPT PRACTICES AND ELECTION PETITIONS.

Corrupt Practices.

Corrupt Practices.

Definitions.

77. In this Part—

"Bribery," "treating," "undue influence," and "personation," include respectively anything done before, at, after, or with respect

to a municipal election, which if done before, at, after, or with respect to a parliamentary election would make the person doing the same liable to any penalty, punishment, or disqualification for bribery, treating, undue influence, or personation, as the case may be, under any Act for the time being in force with respect to parliamentary elections:

Corrupt Practices.

"Corrupt practice" means bribery, treating, undue influence, or personation:

"Candidate" means a person elected, or having been nominated, or having declared himself a candidate for election, to a corporate office:

"Canvasser" means any person who solicits or persuades, or attempts to persuade, any person to vote or to abstain from voting at a municipal election, or to vote or to abstain from voting for a candidate at a municipal election:

"Voter" means a burgess or a person who votes or claims to vote at a municipal election:

"Election court" means a court constituted under this Part for the trial of an election petition:

"Municipal election petition" or "election petition" means a petition under this Part complaining of an undue municipal election:

"Parliamentary election petition" means a petition under the Parliamentary Elections Act, 1868:

31 & 32 Vict. c. 125.

"Prescribed" means prescribed by general rules made under this Part:

"Borough" and "election" when used with reference to a petition mean the borough and election to which the petition relates.

General penalties for corrupt practices.

78. A person guilty of a corrupt practice at a municipal election shall be liable to the like actions, prosecutions, penalties, forfeitures, and punishments as if the corrupt practice had been committed at a parliamentary election.

Disqualifications and avoidance of election for corrupt practices by candidates.

79.—(1.) Where it is found by the report of an election court that a corrupt practice has been committed by or with the knowledge and consent of a candidate at a municipal election, that candidate shall be deemed to have been personally guilty of a corrupt practice at the election, and his election, if he has been elected, shall be void; and he shall (whether elected or not) during seven years from the date of the report be subject to the following disqualifications:

He shall be incapable of—

(*a.*) Holding or exercising any corporate office or municipal franchise, or being enrolled or voting as a burgess:

(*b.*) Acting as a justice or holding any judicial office:

(*c.*) Being elected to or sitting or voting in Parliament:

(*d.*) Being registered or voting as a parliamentary voter:

(*e.*) Being employed by a candidate in a parliamentary or municipal election:

(*f.*) Acting as overseer or as guardian of the poor.

(2.) If any person is on indictment or information found guilty of a corrupt practice at a municipal election, or is in any action or proceeding adjudged to pay a penalty or forfeiture for a corrupt

Corrupt Practices.

practice at a municipal election, he shall, whether he was a candidate at the election or not, be subject during seven years from the date of the conviction or judgment to all the disqualifications mentioned in this section.

(3.) If after a person has become disqualified under this Part any witness on whose testimony he has become disqualified is, on his prosecution, convicted of perjury in respect of that testimony, the High Court may, on motion, and on proof that the disqualification was procured by means of that perjury, order that the disqualification shall cease.

Disqualifications and avoidance of election for corrupt practices by agents, and for offences against this Part.

80. If it is found by an election court that a candidate has by an agent been guilty of a corrupt practice at a municipal election, or that any offence against this Part has been committed at a municipal election by a candidate, or by an agent for a candidate with the candidate's knowledge and consent, the candidate shall during the period for which he was elected to serve, or for which, if elected, he might have served, be disqualified for being elected to and for holding any corporate office in the borough, and if he was elected his election shall be void.

Avoidance of election for general corruption.

81. A municipal election shall be wholly avoided by such general corruption, bribery, treating, or intimidation at the election as would by the common law of Parliament avoid a parliamentary election.

Paid agents and canvassers.

82.—(1.) A burgess of a borough shall not be retained or employed for payment or reward by or on behalf of a candidate at a municipal election for that borough or any ward thereof as a canvasser for the purposes of the election.

(2.) If any person is retained or employed in contravention of this prohibition, that person and also the person by whom he is retained or employed shall be guilty of an offence against this Part, and shall be liable on summary conviction to a fine not exceeding ten pounds.

(3.) An agent or canvasser retained or employed for payment or reward for any of the purposes of a municipal election shall not vote at the election, and if he votes he shall be guilty of an offence against this Part, and shall be liable on summary conviction to a fine not exceeding ten pounds.

Payment for conveyance of voters.

83. If a candidate or an agent for a candidate pays or agrees to pay any money on account of the conveyance of a voter to or from the poll, he shall be guilty of an offence against this Part, and shall be liable on summary conviction to a fine not exceeding five pounds.

Prosecutions for corrupt practices.

84.—(1.) The costs and expenses of a prosecutor and his witnesses in the prosecution of any person for bribery, undue influence, or personation at a municipal election, with compensation for trouble and loss of time, shall, unless the court otherwise directs, be allowed, paid, and borne as in cases of felony.

(2.) The clerk of the peace of the borough, or, if there is none, of the county in which the borough is situate, shall, if so directed by an election court, prosecute any person for bribery, undue influence, or personation at the election in respect of which the court acts, or sue or proceed against any person for penalties for bribery, treating, undue influence, or any offence against this Part at the election.

Corrupt Practices.

85. The votes of persons in respect of whom any corrupt practice is proved to have been committed at a municipal election shall be struck off on a scrutiny. Striking off votes.

86. The enactments for the time being in force for the detection of personation and for the apprehension of persons charged with personation at a parliamentary election shall apply in the case of a municipal election. Personation.

Election Petitions.

Election Petitions.

87.—(1.) A municipal election may be questioned by an election petition on the ground— Power to question municipal election by petition.

(*a.*) That the election was as to the borough or ward wholly avoided by general bribery, treating, undue influence, or personation; or

(*b.*) That the election was avoided by corrupt practices or offences against this Part committed at the election; or

(*c.*) That the person whose election is questioned was at the time of the election disqualified; or

(*d.*) That he was not duly elected by a majority of lawful votes.

(2.) A municipal election shall not be questioned on any of those grounds except by an election petition.

88.—(1.) An election petition may be presented either by four or more persons who voted or had a right to vote at the election or by a person alleging himself to have been a candidate at the election. Presentation of petition.

(2.) Any person whose election is questioned by the petition, and any returning officer of whose conduct a petition complains, may be made a respondent to the petition.

(3.) The petition shall be in the prescribed form and shall be signed by the petitioner, and shall be presented in the prescribed manner to the High Court in the Queen's Bench Division, and the prescribed officer shall send a copy thereof to the town clerk, who shall forthwith publish it in the borough.

(4.) It shall be presented within twenty-one days after the day on which the election was held, except that if it complains of the election on the ground of corrupt practices, and specifically alleges that a payment of money or other reward has been made or promised since the election by a person elected at the election, or on his account or with his privity, in pursuance or furtherance of such corrupt practices, it may be presented at any time within twenty-eight days after the date of the alleged payment or promise, whether or not any other petition against that person has been previously presented or tried.

89.—(1.) At the time of presenting an election petition or within three days afterwards, the petitioner shall give security for all costs, charges, and expenses which may become payable by him to any witness summoned on his behalf, or to any respondent. Security for costs.

(2.) The security shall be to such amount, not exceeding five hundred pounds, as the High Court, or a Judge thereof, on summons, directs, and shall be given in the prescribed manner, either by a deposit of money, or by recognisance entered into by not more than four sureties, or partly in one way and partly in the other.

(3.) Within five days after the presentation of the petition the petitioner shall in the prescribed manner serve on the respondent

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a notice of the presentation of the petition, and of the nature of the proposed security, and a copy of the petition

(4) Within five days after service of the notice the respondent may object in writing to any recognisance on the ground that any surety is insufficient or is dead, or cannot be found or ascertained for want of a sufficient description in the recognisance, or that a person named in the recognisance has not duly acknowledged the same

(5) An objection to a recognisance shall be decided in the prescribed manner

(6) If the objection is allowed, the petitioner may, within a further prescribed time not exceeding five days, remove it by a deposit in the prescribed manner of such sum of money as will, in the opinion of the court or officer having cognisance of the matter, make the security sufficient

(7) If no security is given, as prescribed, or any objection is allowed and is not removed, as aforesaid, no further proceedings shall be had on the petition

Petition at issue

90. On the expiration of the time limited for making objections, or, after objection made, on the objection being disallowed or removed, whichever last happens, the petition shall be at issue

Municipal election list

91.—(1) The prescribed officer shall as soon as may be make a list in this Act referred to as the municipal election list, of all election petitions at issue, placing them in the order in which they were presented, and shall keep at his office a copy of this list, open to inspection in the prescribed manner

(2) The petitions shall, as far as conveniently may be, be tried in the order in which they stand in the list

(3) Two or more candidates may be made respondents to the same petition, and their cases may be tried at the same time, but for the purposes of this Part the petition shall be deemed to be a separate petition against each respondent

(4) Where more petitions than one are presented relating to the same election or to elections held at the same time for different wards of the same borough, they shall be bracketed together in the list as one petition, but shall, unless the High Court otherwise directs stand in the list in the place where the last of them would have stood if it had been the only petition relating to that election

Constitution of election court

92.—(1) An election petition shall be tried by an election court consisting of a barrister qualified and appointed as in this section provided, without a jury

(2) A barrister shall not be qualified to constitute an election court if he is of less than fifteen years standing, or is a member of the Commons House of Parliament, or holds any office or place of profit under the Crown, other than that of recorder

(3) A barrister shall not be qualified to constitute an election court for trial of an election petition relating to any borough for which he is recorder, or in which he resides, or which is included in a circuit of Her Majesty's judges on which he practises as a barrister

(4) As soon as may be after a municipal election list is made out the prescribed officer shall send a copy thereof to each of the judges for the time being on the rota for the trial of parliamentary election

petitions, and those judges or two of them shall forthwith determine the number of barristers not exceeding five at any one time, necessary to be appointed for the trial of the election petitions at issue, and shall appoint that number accordingly as commissioners under this Part and shall assign the petitions to be tried by each *Election Petitions*

(5) If a commissioner to whom the trial of a petition is assigned, dies, or declines or becomes incapable to act, the said judges or two of them may assign the trial to be conducted or continued by any other of the commissioners appointed under this section

(6) The election court shall for the purposes of the trial have the same powers and privileges as a judge on the trial of a parliamentary election petition, except that any fine or order of committal by the court may on motion by the person aggrieved be discharged or varied by the High Court, or in vacation by a judge thereof, on such terms, if any, as the High Court or judge thinks fit

93.—(1) An election petition shall be tried in open court, and notice of the time and place of trial shall be given in the prescribed manner not less than seven days before the day of trial *Trial of election petition*

(2) The place of trial shall be within the borough, except that the High Court may, on being satisfied that special circumstances exist rendering it desirable that the petition should be tried elsewhere, appoint some other convenient place for the trial

(3) The election court may in its discretion adjourn the trial from time to time, and from any one place to any other place within the borough or place where it is held

(4) At the conclusion of the trial the election court shall determine whether the person whose election is complained of, or any and what other person, was duly elected, or whether the election was void, and shall forthwith certify in writing the determination to the High Court, and the determination so certified shall be final to all intents as to the matters at issue on the petition

(5) Where a charge is made in a petition of any corrupt practice or offence against this Part having been committed at the election the court shall, in addition to the certificate, and at the same time, report in writing to the High Court as follows

(*a*) Whether any corrupt practice or offence against this Part has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, and the nature of the corrupt practice or offence,

(*b*) The names of all persons (if any) proved at the trial to have been guilty of any corrupt practice or offence against this Part,

(*c*) Whether any corrupt practices have, or whether there is reason to believe that any corrupt practices have, extensively prevailed at the election in the borough or in any ward thereof

(6) The election court may at the same time make a special report to the High Court as to any matters arising in the course of the trial an account of which ought, in the judgment of the election court, to be submitted to the High Court

(7) If, on the application of any party to a petition made in the prescribed manner to the High Court, it appears to the High Court that the case raised by the petition can be conveniently stated as a special case, the High Court may direct the same to be stated accord-

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ingly, and any such special case shall be heard before the High Court and the decision of the High Court shall be final

(8) If it appears to the election court on the trial of a petition that any question of law as to the admissibility of evidence, or otherwise requires further consideration by the High Court, the election court may postpone the granting of a certificate until the question has been determined by the High Court, and for this purpose may reserve any such question, as questions may be reserved by a judge on a trial at nisi prius

(9) On the trial of a petition, unless the election court otherwise directs, any charge of a corrupt practice or offence against this Part may be gone into, and evidence in relation thereto received before any proof has been given of agency on behalf of any candidate in respect of the corrupt practice or offence

(10) On the trial of a petition complaining of an undue election and claiming the office for some person, the respondent may give evidence to prove that that person was not duly elected, in the same manner as if he had presented a petition against the election of that person

(11) The trial of a petition shall be proceeded with notwithstanding that the respondent has ceased to hold the office his election to which is questioned by the petition

(12) A copy of any certificate or report made to the High Court on the trial of a petition, and, in the case of a decision by the High Court on a special case, a statement of the decision, shall be sent by the High Court to the Secretary of State

(13) A copy of any such certificate and a statement of any such decision shall also be certified by the High Court, under the hands of two or more judges thereof, to the town clerk of the borough

Witnesses

94.—(1) Witnesses at the trial of an election petition shall be summoned and sworn in the same manner, as nearly as circumstances admit, as witnesses at a trial at nisi prius, and shall be liable to the same penalties for perjury

(2) On the trial the election court may, by order in writing, require any person who appears to the court to have been concerned in the election to attend as a witness, and any person refusing to obey the order shall be guilty of contempt of court

(3) The court may examine any person so required to attend or being in court although he is not called and examined by any party to the petition

(4) A witness may, after his examination by the court, be cross-examined by or on behalf of the petitioner and respondent or either of them

(5.) A witness on an election petition shall not be excused from answering any question relating to a corrupt practice or offence against this Part committed at or connected with the election on the ground that the answer thereto may criminate or tend to criminate him, but if he answers it he shall be entitled to receive from the court a certificate stating that he was on his examination required by the court to answer questions the answers whereto criminated or tended to criminate him, and that he answered all such questions

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(6.) If any information, indictment, or action is at any time thereafter pending against the witness in any court for any corrupt practice or offence against this Part committed at or in relation to the election before the time of his giving his evidence, that court shall, on production and proof of the certificate, stay the proceedings, and may, in its discretion, award to him such costs as he has been put to therein.

(7.) The giving of or refusal to give any such certificate by the election court shall be final and conclusive.

(8.) A statement made by any person in answer to a question put to him by or before an election court shall not, except in cases of indictment for perjury, be admissible in evidence in any proceeding, civil or criminal.

(9.) The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition, according to the scale allowed to witnesses on the trial of civil actions at the assizes, may be allowed to him by a certificate of the election court or of the prescribed officer, and if the witness was called and examined by the court, shall be deemed part of the expenses of providing a court, but otherwise shall be deemed costs of the petition.

Withdrawal of petition.

95.—(1.) A petitioner shall not withdraw an election petition without the leave of the election court or High Court on special application, made in the prescribed manner, and at the prescribed time and place.

(2.) The application shall not be made until the prescribed notice of the intention to make it has been given in the borough.

(3.) On the hearing of the application any person who might have been a petitioner in respect of the election may apply to the court to be substituted as a petitioner, and the court may, if it thinks fit, substitute him accordingly.

(4.) If the proposed withdrawal is in the opinion of the court induced by any corrupt bargain or consideration, the court may by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in the security, the original petitioner and his sureties shall be liable to pay the costs of the substituted petitioner.

(5.) If the court does not so direct, then security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition and within the prescribed time after the order of substitution.

(6.) Subject as aforesaid, a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner.

(7.) If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

(8.) Where there are more petitioners than one, an application to withdraw a petition shall not be made except with the consent of all the petitioners.

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Abatement of petition.

96.—(1.) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2.) The abatement of a petition shall not affect the liability of the petitioner or of any other person to the payment of costs previously incurred.

(3.) On the abatement of a petition the prescribed notice thereof shall be given in the borough, and, within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election may apply to the election court or High Court in the prescribed manner and at the prescribed time and place to be substituted as a petitioner; and the court may, if it thinks fit, substitute him accordingly.

(4.) Security shall be given on behalf of a petitioner so substituted, as in the case of a new petition.

Withdrawal and substitution of respondents.

97.—(1.) If before the trial of an election petition a respondent other than a returning officer—

(*a.*) Dies, resigns, or otherwise ceases to hold the office to which the petition relates; or

(*b.*) Gives the prescribed notice that he does not intend to oppose the petition;

the prescribed notice thereof shall be given in the borough, and within the prescribed time after the notice is given any person who might have been a petitioner in respect of the election may apply to the election court or High Court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly, except that the number of persons so admitted shall not exceed three.

(2.) A respondent who has given the prescribed notice that he does not intend to oppose the petition shall not be allowed to appear or act as a party against the petition in any proceedings thereon.

Costs on election petitions.

98.—(1.) All costs, charges, and expenses of and incidental to the presentation of an election petition, and the proceedings consequent thereon, except such as are by this Act otherwise provided for, shall be defrayed by the parties to the petition in such manner and proportions as the election court determines; and in particular any costs, charges, or expenses which in the opinion of the court have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or of the respondent, and any needless expense incurred or caused on the part of petitioner or respondent, may be ordered to be defrayed by the parties by whom it has been incurred or caused, whether they are or not on the whole successful.

(2.) The costs may be taxed in the prescribed manner, but according to the same principles as costs between solicitor and client in an action in the High Court, and may be recovered as the costs of such an action, or as otherwise prescribed.

(3.) If a petitioner neglects or refuses for three months after demand to pay to any person summoned as a witness on his behalf, or to the respondent, any sum certified to be due to him for his costs, charges, and expenses, and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the High Court, every person who has under this Act entered into a recog-

nisance relating to the petition shall be held to have made default in the recognisance, and the prescribed officer shall thereon certify the recognisance to be forfeited, and it shall be dealt with as a forfeited recognisance relating to a parliamentary election petition.

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99.—(1.) The town clerk shall provide proper accommodation for holding the election court; and any expenses incurred by him for the purposes of this section shall be paid out of the borough fund or borough rate.

Reception of and attendance on the election court.

(2.) All chief and head constables, superintendents of police, headboroughs, gaolers, constables, and bailiffs shall give their assistance to the election court in the execution of its duties, and if any gaoler or officer of a prison makes default in receiving or detaining a prisoner committed thereto in pursuance of this Part, he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

(3.) The election court may employ officers and clerks as prescribed.

(4.) A shorthand writer shall attend at the trial of an election petition, and shall be sworn by the election court faithfully and truly to take down the evidence given at the trial. He shall take down the evidence at length. A transcript of the notes of the evidence taken by him shall, if the election court so directs, accompany the certificate of the election court. His expenses, according to a prescribed scale, shall be treated as part of the expenses incurred in receiving the court.

100.—(1.) The judges for the time being on the rota for the trial of parliamentary election petitions, may from time to time make, revoke, and alter General Rules for the effectual execution of this Part, and of the intention and object thereof, and the regulation of the practice, procedure, and costs of municipal election petitions, and the trial thereof, and the certifying and reporting thereon.

Rules of procedure and jurisdiction.

(2.) All such rules shall be laid before both Houses of Parliament within three weeks after they are made, if Parliament is then sitting, and if not, within three weeks after the beginning of the then next session of Parliament, and shall, while in force, have effect as if enacted in this Act.

(3.) Subject to the provisions of this Act, and of the rules made under it, the principles, practice, and rules for the time being observed in the case of parliamentary election petitions, and in particular the principles and rules with regard to agency and evidence, and to a scrutiny, and to the declaring any person elected in the room of any other person declared to have been not duly elected, shall be observed, as far as may be, in the case of a municipal election petition.

(4.) The High Court shall, subject to this Act, have the same powers, jurisdiction, and authority with respect to a municipal election petition and the proceedings thereon as if the petition were an ordinary action within its jurisdiction.

(5.) The duties to be performed by the prescribed officer under this Part shall be performed by the prescribed officer of the High Court.

(6.) The general rules in force at the commencement of this Act with respect to matters within this Part shall, until superseded by

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rules made under this section, and subject to any amendment thereof by rules so made, have effect, with the necessary modifications, as if made under this section

Expenses of election court

101.—(1) The remuneration and allowances to be paid to a commissioner for his services in respect of the trial of an election petition and to any officers, clerks, or shorthand writers employed under this Part shall be fixed by a scale made and varied by the election judges on the rota for the trial of parliamentary election petitions, with the approval of the Treasury The remuneration and allowances shall be paid in the first instance by the Treasury and shall be repaid to the Treasury on their certificate, out of the borough fund or borough rate

(2) But the election court may in its discretion order that such remuneration and allowances, or the expenses incurred by a town clerk for receiving the election court, shall be repaid, wholly or in part, to the Treasury or the town clerk as the case may be in the cases, by the persons, and in the manner following (namely)

(*a*) When in the opinion of the election court a petition is frivolous and vexatious, by the petitioner,

(*b*) When in the opinion of the election court a respondent has been personally guilty of corrupt practices at the election, by that respondent

(3) An order so made for the repayment of any sum by a petitioner or respondent may be enforced as an order for payment of costs, but a deposit made or security given under this Part shall not be applied for any such repayment until all costs and expenses payable by the petitioner or respondent to any party to the petition have been satisfied

Acts done pending a petition not invalidated

102. Where a candidate who has been elected to a corporate office is, by a certificate of an election court or a decision of the High Court, declared not to have been duly elected, acts done by him in execution of the office, before the time when the certificate or decision is certified to the town clerk, shall not be invalidated by reason of that declaration

Provisions as to elections in the room of persons unseated on petition

103. Where on an election petition the election of any person to a corporate office has been declared void, and no other person has been declared elected in his room, a new election shall be held to supply the vacancy in the same manner as on a casual vacancy, and for the purposes of the election any duties to be performed by a mayor, alderman, or other officer, shall if he has been declared not elected be performed by a deputy, or other person who might have acted for him if he had been incapacitated by illness.

Prohibition of disclosure of vote

104. A person who has voted at a municipal election by ballot shall not in any proceeding to question the election be required to state for whom he has voted

PART V

CORPORATE PROPERTY AND LIABILITIES

Corporate Land

Corporate Land

Power to purchase land for town hall, &c

105. A municipal corporation may contract for the purchase of and hold any land not exceeding in the whole five acres, either in

or out of the borough, and thereon, or on any land belonging to or held in trust for the corporation, may build a town hall, council house, justices' room, with or without a police station and cells, or lock-ups, or a quarter and petty sessions-house, or an assize court-house, with or without judges' lodgings, or a polling station, or any other building necessary or proper for any purpose of the borough. *Corporate Land.*

106. The council may, with the approval of the Treasury, borrow at interest on the security of any corporate land, or of any land proposed to be purchased by the council under this Act, or of the borough fund or borough rate, or of all or any of those securities, such sums as the council from time to time think requisite for the purchase of land, or for the building of any building which the council are by this Act authorised to build. Power to borrow with approval of Treasury.

107.—(1.) Where a municipal corporation has not power to purchase or acquire land, or to hold land in mortmain, the council may, with the approval of the Treasury, purchase or acquire any land in such manner and on such terms and conditions as the Treasury approve, and the same may be conveyed to and held by the corporation accordingly. Power to acquire land with the approval of the Treasury.

(2.) The provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, relating to the purchase of land by agreement, and to agreements for sale, and conveyances, sales, and releases of any lands or hereditaments, or any estate or interest therein by persons under disability, shall extend to all purchases of land under this section. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

108.—(1.) The council shall not, unless authorised by Act of Parliament, sell, mortgage, or alienate any corporate land without the approval of the Treasury. Restrictions on alienation of corporate land without approval of Treasury.

(2.) The council shall not, unless authorised by Act of Parliament, lease or agree to lease any corporate land without the approval of the Treasury, except as follows:

(*a.*) They may make a lease or agreement for a lease for a term not exceeding thirty-one years from the date of the lease or agreement, so that there be reserved and made payable during the whole of the term such clear yearly rent as to the council appears reasonable, without any fine.

(*b.*) They may make a lease or agreement for a lease for a term not exceeding seventy-five years from the date of the lease or agreement, and either at a reserved rent or on a fine, or both, as the council think fit,—

(i.) Of tenements or hereditaments, the greater part of the yearly value of which, at the date of the lease or agreement, consists of any building or buildings; or

(ii.) Of land proper for the erection of any houses or other buildings thereon, with or without gardens, yards, curtilages, or other appurtenances to be used therewith; or

(iii.) Where the lessee or intended lessee agrees to erect a building or buildings thereon of greater yearly value than the land,—of land proper for gardens, yards, curtilages, or other appurtenances to be used with any other house or other building erected or to be erected on any such land, belonging either to the corporation or to any other pro-

Corporate Land

prietor, or proper for any other purpose calculated to afford convenience or accommodation to the occupiers of any such house or building

Power to dispose of land with approval of Treasury

109. The council may, with the approval of the Treasury dispose of any corporate land either by way of absolute sale or by way of exchange, mortgage, charge, demise, lease, or otherwise, in such manner and on such terms and conditions as the Treasury approve

Council may renew leases, &c

110. In the following cases—

(*a*) Where a body corporate of a borough was on the fifth of June one thousand eight hundred and thirty-five bound or engaged by any covenant or agreement expressed or implied, or was enjoined by any deed, will, or other document or was sanctioned or warranted by ancient usage or by custom or practice, to make any renewal of any lease for years or for life or lives, or for years determinable with any life or lives at any fixed or determinate or known or accustomed period or after the lapse of any number of years, or on the dropping of any life or lives, and years determinable after the lapse of any number of years, at a fine certain, or under any special or specific terms or conditions

(*b*) Where a body corporate of a borough theretofore ordinarily made renewal of any lease for years, or for life or lives or for years determinable with any life or lives, at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or on the dropping of any life or lives, on the payment of an arbitrary fine,—

Then, notwithstanding anything in this Act, the council of the borough may renew the lease for such term or number of years, either absolutely or determinable with any life or lives, or for such life or lives, and at such rent, and on the payment of such fine or premium, either certain or arbitrary, and with or without any covenant for the future renewal thereof, as the council could or might have done if this Act had not been passed

Working Men's Dwellings

Sites for working men's dwellings

Working Men's Dwellings

111.—(1) If a municipal corporation determines to convert any corporate land into sites for working men's dwellings and obtains the approval of the Treasury for so doing, the corporation may for that purpose make grants or leases for terms of nine hundred and ninety-nine years, or any shorter term, of any parts of the corporate land

(2) The corporation may make on the land any roads drains, walls, fences, or other works requisite for converting the same into building land, at an expense not exceeding such sum as the Treasury approve

(3) The corporation may insert in any grant or lease of any part of the land (in this section referred to as the site) provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed and to maintain and repair the building, and prohibiting the division of the site or building, and any addition to or alteration of the character of the building, without the consent of the corporation,

and for the re-vesting of the site in the corporation, or its re-entry thereon, on breach of any provision in the grant or lease. *Working Men's Dwellings.*

(4.) Every such provision shall be valid in law to all intents, and binding on the parties.

(5.) All costs and expenses incurred or authorised by a corporation in carrying into execution or otherwise in pursuance of this section, shall be paid out of the borough fund and borough rate, or by money borrowed by the corporation under this Part.

(6.) In this section the term working men's dwellings means buildings suitable for the habitation of persons employed in manual labour and their families; but the use of part of a building for purposes of retail trade or other purposes, approved by the council, shall not prevent the building from being deemed a dwelling.

Repayment of Loans.

Repayment of Loans.

Power for Treasury to impose conditions as to repayment of money borrowed.

112.—(1.) Where the Treasury approve a mortgage or charge under this Part they may, as a condition of their approval, require that the money borrowed on the security of the mortgage or charge be repaid, with all interest thereon, in thirty years, or any less period, and either by instalments or by means of a sinking fund, or both.

(2.) In that case the sums required for providing for the repayment of the principal and interest of the money borrowed shall be by virtue of this Act a charge on all or any of the following securities, namely, the land comprised in the mortgage (without prejudice to the security thereby created), or any other corporate land, or the borough fund, or the borough or other rates legally applicable to payment of the money borrowed or of the expenses which the money is borrowed to defray, as the Treasury direct.

Provisions as to sinking fund

113.—(1.) Where money borrowed under this Part is directed to be repaid by means of a sinking fund, the council shall, out of the rents and profits of the land on which, or out of the borough fund or rates on which, the sums required for the sinking fund are charged under this Act, invest such sums, at such times, and in such Government annuities, as the Treasury direct, and shall also from time to time invest in like manner all dividends of those annuities.

(2.) The annuities shall, in the books of the Bank of England, be placed to the account of the corporation, and in the matter of this Act or of any previous Act under which the investment is made.

(3.) The dividends of the annuities shall be received and invested by such persons as the council by power of attorney under the corporate seal from time to time appoint.

(4.) No transfer shall be made of the annuities, or of any part thereof, without the consent in writing of the Treasury addressed to the chief accountant of the Bank of England.

(5.) The direction in writing of the council by power of attorney under the corporate seal, with the consent in writing of the Treasury, shall be sufficient authority to the Bank for permitting any such transfer.

Purchase or Compensation Money.

Purchase or Compensation Money.

Provision for replacing pur-

114.—(1.) Where purchase money or compensation has been paid to the Bank of England under an Act of Parliament in respect of

Purchase or Compensation Money.

chase or compensation money paid to treasurer.

land or any interest therein purchased or taken from a municipal corporation, or in respect of permanent damage to land of a municipal corporation, and the Treasury approve of the payment of the money or compensation, or of any money to arise from the sale of any Government securities in which the same has been invested, to the corporation or the treasurer, the Treasury may, as a condition of their approval, require provision to be made for raising and for investing in Government annuities a sum equivalent to the amount of money so paid.

(2.) The foregoing provisions of this Part applicable in the case of a sinking fund, as regards the mode of investing, payment of dividends, and transfer of annuities, shall be applicable in the case of investments under this section.

(3.) The Treasury shall, when it appears to them that an amount of annuities equivalent to the amount so paid has been raised by investment, direct that the accumulation shall cease; and the annuities and the dividends thereof shall thenceforth be applicable as if the annuities had arisen from investment under the Act of Parliament under which the purchase money or compensation became payable.

(4.) But this section shall not apply to money payable to a municipal corporation when provision for the application of the money, or of the price or compensation from which the money is derived, is contained in any local Act of Parliament relating thereto, and the money is to be paid to the corporation to be applied in conformity with that provision.

Investment of proceeds of sale or exchange authorized by Treasury.

115.—(1.) Where the Treasury approve of the sale or exchange of any corporate land or of any interest therein, their approval may be subject to such conditions as they think fit in relation to the investment for the benefit of the corporation of the money arising from the sale or exchange.

(2.) If the Treasury direct the money to be invested in Government annuities, the foregoing provisions of this Part respecting the mode of investing, payment of dividends, and transfer of annuities shall be applicable, but not so as to make any accumulation necessary.

(3.) If the Treasury consent to the application of the money or of any part thereof for the benefit of the inhabitants of the borough, they may, as a condition of their consent, require the like provision to be made as they are authorized to require in the case of their approval of payment to a municipal corporation or the treasurer.

Power for Treasury to authorize application of certain investments for benefit of borough.

116. The Treasury may at any time approve of the application of any annuities arising from investments under either of the two last preceding sections, or of the money to arise from the sale thereof, or any part thereof respectively, for the benefit of the inhabitants of the borough; and, as a condition of their approval, may require the like provision to be made as they are authorized to require in the case of their approval of payment to a municipal corporation or the treasurer, and so from time to time, and the provisions of this Part shall be applicable accordingly; but it shall not be imperative on the Treasury to impose the condition aforesaid where by reason of the application of the annuities or money to

improvement of the property of the corporation or for the permanent benefit of the borough, or otherwise, under the special circumstances of the case, the Treasury in their discretion think fit to dispense with the condition.

Purchase or Compensation Money.

Misappropriation.

Misappropriation.

117. If any person authorized to receive money to arise from the sale of any annuities or securities purchased or transferred under the foregoing provisions of this Part, or under any Act repealed by this Act, or any dividends thereon, or any other such money as aforesaid, appropriates the same otherwise than as directed by this Act, or by the Treasury in pursuance thereof, he shall be guilty of a misdemeanour, and shall be subject in respect thereof to the provisions of the Larceny Act, 1861, applicable to a person guilty of a misdemeanour under section seventy-five of that Act, or to the provisions of any enactment for the time being substituted for that section.

Penalty for misappropriation of moneys.

24 & 25 Vict. c. 96. s. 75.

Corporate Stock.

Corporate Stock.

118.—(1.) Any stocks, funds, or public securities (in this section referred to as stock) standing in the books of the Bank of England or of any other public company or society in the name of a municipal corporation, under any style or title of incorporation, and the dividends and interest thereof and all bonuses and accretions thereto, belonging to the municipal corporation, without being subject to any trust for charitable purposes, may be transferred by and paid to such persons as the council appoint by an instrument under the corporate seal, signed and sealed also by the clerk to the trustees of the municipal charities, who shall on request sign and seal it.

Transfer of and other dealings with corporate stock.

(2.) Any stock and money so standing belonging to the trustees of the municipal charities solely on charitable trusts may be transferred by and paid to persons appointed under the hands and seals of the greater part of the trustees, the appointment being attested under the hand and seal of their clerk, and being also sealed with the corporate seal, which seal the mayor shall on request cause to be affixed thereto.

(3.) The dividends and interest of any stock and money so standing, belonging partly to the municipal corporation but subject to charitable trusts, may be paid to persons authorized to have the same paid to them by an instrument in writing under the corporate seal, and appointed under the hands and seals of the greater part of the trustees, the appointment being attested under the hand and seal of their clerk.

(4.) In every case the receipt of the persons authorized to give a receipt to the company or society by an instrument under the corporate seal, and signed and sealed by the clerk to the trustees of the municipal charities, shall be an effectual discharge to the company or society.

(5.) So much of the money so paid as is held on charitable trusts shall be paid over to the trustees of the municipal charities, and so

Corporate Stock.

much as the municipal corporation is entitled to beneficially shall go to the borough fund.

(6.) But the company or society shall not be bound to see to the application of that money, or to the validity of the appointment of the clerk to the trustees of the municipal charities, or to the execution of any instrument by any of them, or to inquire whether or not the stock or money is charged with or held on any charitable trust.

(7.) Every person authorized to so receive any money shall account to the council and to the trustees of the municipal charities for all money received by him, and on his failure so to account a court of summary jurisdiction may, on complaint either of the council or of the trustees, by summary order require him to do so.

Borough Bridges.

Maintenance of borough bridges.

Borough Bridges.

119.—(1.) Every bridge which is either wholly or in part in a borough and which the borough and not the county wherein the borough is situate is legally bound to maintain or repair shall, as to the whole of the bridge if it is wholly in the borough, or as to such part only as is in the borough, be maintained, altered, widened, repaired, improved, or rebuilt under the sole management and control of the council.

(2.) For that purpose the council shall have all the powers which the justices of a county have with respect to a county bridge, but the notices required in the case of a county bridge shall not be required in the case of a borough bridge.

(3.) All expenses incurred for the purposes of this section shall be paid out of the borough fund or borough rate, or out of money borrowed on the security thereof.

(4.) The council, with the consent of the Treasury, may from time to time borrow on that security such sums as they deem requisite for any of those purposes, and may mortgage the borough fund and borough rate for the purpose of securing the repayment, with interest, of any money so borrowed.

Loans for Municipal Buildings.

Power to borrow for buildings.

Loans for Municipal Buildings.

120. The council of a borough may borrow money from the Public Works Loan Commissioners for the purpose of building, enlarging, repairing, improving, and fitting up any building which they are by this Act authorized to build, and may levy a rate or an increase of the borough rate for the purpose of paying the principal and interest of the loan, and may mortgage the rate or borough rate to the Commissioners in accordance with the Public Works Loans Act, 1875, or any amendment thereof, in such manner and form as the Commissioners direct.

38 & 39 Vict. c. 89. s. 40.

Advowsons and similar Rights.

Obligations and powers in respect of advowsons, &c.

Advowsons and similar Rights.

121.—(1.) Notwithstanding any sale by a municipal corporation of any advowson, or of any right of nomination or presentation to a benefice, ecclesiastical preferment, or office of priest, curate, preacher, or minister, whether the sale is made before or after the com-

mencement of this Act, the corporation and its property shall continue liable to the same obligation (if any) of providing for and maintaining or contributing to the maintenance of any priest, curate, preacher, or minister, as if the sale had not been made; and that liability may be enforced by the same means, at the instance of the Crown or otherwise, as if this Act had not been passed, and the advowson or right had remained vested in the corporation.

Advowsons and similar Rights.

(2.) Where a municipal corporation holds land subject to an obligation to provide a priest, curate, preacher, or minister, nothing in this Act shall preclude the corporation from augmenting or endowing his office, either by assigning to him and his successors in office a competent portion of the land, or by charging thereon an annual stipend, either in money or in kind, for his and their use and benefit, except that no such augmentation or endowment shall be valid without the approval of the Treasury.

(3.) Where a municipal corporation sells a right of nomination to an ecclesiastical preferment, not being a benefice or perpetual curacy, that preferment shall, from and after the sale, be a benefice presentative, and the holder thereof and his successors shall be a body corporate, having perpetual succession and capable of taking and holding in perpetuity all property granted to or purchased for them by the Governors of the Bounty of Queen Anne, or by other persons contributing with those governors as benefactors.

122.—(1.) Where at the passing of the Municipal Corporations Act, 1835, a body corporate, or any particular class, number, or description of members thereof, or the governing body thereof, were in their corporate capacity, and not as trustees of a charity, seised or possessed of any manor or land whereto any advowson, or right of nomination or presentation to any benefice or ecclesiastical preferment was appendant or appurtenant, or of any advowson in gross, or of any right of nomination or presentation to a benefice, ecclesiastical preferment, or office of priest, curate, preacher, or minister, the advowson or right, if not sold before the commencement of this Act, shall be sold at such time and in such manner as the Ecclesiastical Commissioners for England direct, so that the best price be obtained for the same.

Regulations as to sale of ecclesiastical patronage belonging to municipal corporation.

(2.) Upon any such sale the council shall, with the consent in writing of those Commissioners, signed by any three or more of them, convey, under the corporate seal, the advowson or right to the purchaser, or as he directs, and the advowson or right shall vest accordingly.

(3.) The proceeds of sale shall be paid to the treasurer and invested in Government securities, and the income thereof shall go to the borough fund; or those proceeds, or any part thereof, may be applied towards the liquidation of any debt contracted by the body corporate before the passing of the Municipal Corporations Act, 1835.

(4.) Any vacancy arising before the sale shall be supplied by the presentation or nomination of the bishop or ordinary of the diocese in which the benefice or preferment is situate.

Special Rates.

Special Rates.

Power to continue rates for special purposes.

123. Where before the passing of the Municipal Corporations Act, 1835, a rate might be levied in a borough for the purpose of watching conjointly with any other purpose, nothing in this Act shall prevent the levying and collecting of such a rate for that other purpose solely, or affect the powers given in any Act anterior to the Municipal Corporations Act, 1835, as far as they relate to that other purpose; but where the amount of that rate might not before the passing of the Municipal Corporations Act, 1835, exceed a given rate in the pound on the value of property rateable thereto, the rate to be levied for the other purpose solely shall not exceed such proportion of that given rate as appears to have been expended for that other purpose by an account of the average yearly expenditure during the last seven years before the passing of the Municipal Corporations Act, 1835, or during those of the same seven years during which the rate was levied.

Misapplication of Corporate Property.

Prohibition of expenditure of corporate funds on parliamentary elections.

Misapplication of Corporate Property.

124.—(1.) It shall not be lawful for a municipal corporation, or the council of a borough, or a corporate officer, or a trustee, or other person acting for a municipal corporation, to pay or apply any money, stocks, funds, securities, or personal property, of or held in trust for the corporation, in payment of any expenses occasioned by a parliamentary election or incurred by any person offering himself as a candidate at or before a parliamentary election.

(2.) Any bond, covenant, recognisance, or judgment given by a corporation, council, officer, trustee, or person as aforesaid, for securing payment of such expenses, shall be void

(3.) Any payment, application, bond, covenant, recognisance, or judgment made or given by a corporation, council, officer, trustee, or person as aforesaid, for inducing any person to labour in a parliamentary election at a future time, or to pay or incur expenses as aforesaid at a future time, shall be deemed to be forbidden and declared void by this section, although colourably made or given for any other cause or consideration.

(4.) Any mortgage or other disposition of corporate land for securing or satisfying any expenses or engagements incurred or to be incurred as aforesaid, and any estate or charge thereby created, shall be void.

(5.) Any resolution, byelaw, or other proceeding of a council, purporting to direct or authorize any payment or thing forbidden by this section, or made or adopted for evading the provisions thereof, shall be void.

(6.) If any member of a municipal corporation authorizes or directs any payment or application forbidden by this section, or assents to, or concurs or participates in any affirmative vote or proceeding relating thereto, or signs or seals in his individual capacity, or affixes the corporate seal to, any instrument by this section declared void, he shall be guilty of a misdemeanour, and, on conviction thereof in the High Court, shall, in addition to such punishment as the court

awards, be for ever disabled to take, hold, or exercise any office in the same corporation

Misapplication of Corporate Property

(7) If any corporate officer, trustee or other person as aforesaid, makes, or concurs in making any payment or application of money or property as aforesaid he shall be deemed to have done so in his own wrong and he shall be individually liable to repay and make good the amount or value thereof to the corporation, notwithstanding any release or pretended indemnity given to him in the name or on behalf of the corporation

(8) Any two or more burgesses may bring and prosecute any action in the name of the corporation against any officer trustee, or person making any illegal payment or application as aforesaid, as if they, their executors and administrators, were jointly and severally appointed the irrevocable attorneys of the corporation for that purpose but the plaintiffs shall on the application of the defendant, give reasonable security, as the court directs for costs, as between solicitor and client

(9) Nothing in this section shall affect the provisions of the Ballot Act, 1872, or of any other Act for the time being in force regulating the payment by the returning officer or otherwise of expenses relating to parliamentary elections

Transitory Provisions.

Transitory Provisions

125.—(1) In the several cases following

Transfer of investments made before 1860 in names of trustees

(*a*) Where before the fifteenth of May one thousand eight hundred and sixty the Treasury on approving of a mortgage of corporate land had required a sinking fund in names of trustees,

(*b*) Where before the same day the Treasury, on approving of the payment to a corporation or their treasurer of purchase money for or compensation in respect of corporate land, or of money arising from sale of Government securities in which the same had been invested, had required provision for raising by investments in names of trustees an amount equivalent to the amount so paid,

(*c*) Where before the same day the Treasury, on approving of a sale or alienation of corporate land, had required the investment of the proceeds in names of trustees,

The Treasury, if they have not so done before the commencement of this Act, may require any securities in which any such investments had been made to be transferred into the name of the corporation in the matter of this Act, or may require any money applicable for the purposes of such sinking fund to be invested in the purchase of Government annuities in the name of the corporation and in the matter of this Act

(2) The order in writing of the Treasury for that purpose shall be a sufficient discharge to the trustees from all claims in respect of the transfer of the securities in pursuance of the order

(3) The Treasury may, in the cases aforesaid, give such directions as they might give in the analogous cases in this Part provided for, arising after the commencement of this Act, or as near thereto as circumstances require, and the provisions of this Part shall apply accordingly

Transitory Provisions.

(4.) Where any such transfer as aforesaid has before the commencement of this Act been made into the name of the corporation in the matter of any Act repealed by this Act, this Act shall, if the Treasury so direct, be substituted in the title of the account for that Act.

Scheme respecting mortgage debts incurred before 1860.

126. Where in a borough any mortgage debt had been before the fifteenth of May one thousand eight hundred and sixty incurred, for discharge of which no adequate provision then existed, the council, if they have not so done before the commencement of this Act, may submit to the Treasury any scheme for the discharge thereof by instalments, or a sinking fund, or both, extending over any term of years, and if the Treasury approve of the scheme, the sums required for discharge of the debt as proposed therein shall by virtue of this Act become charged on all or any part of the corporate land, or the borough fund, or borough rate, or any other rate applicable to discharge of the debt, or on all or any of those securities, as the Treasury direct, and the provisions of this Part applicable for repayment of money borrowed on mortgage by a sinking fund, or instalments, or both, except the limitation to a period of thirty years, shall apply for discharge of the debt.

Consolidation of debts incurred before 1860.

127. Where in a borough debts had from time to time, before the fifteenth of May one thousand eight hundred and sixty, been incurred under Acts of Parliament, with different periods assigned for discharge thereof, the council, if they have not so done before the commencement of this Act, may, with the consent of the Treasury, and with the previous consent in writing of the persons or bodies corporate to whom the debts are owing, consolidate the debts into one, and provide for discharge of the consolidated debt by annual instalments, or a sinking fund, or both, extending over a period not exceeding thirty years, and make the instalments or payments a charge on the borough fund, or borough rate, or any other rate applicable to the discharge of the debts, or on all or any of those securities, as the Treasury direct.

Saving for sales, &c. in pursuance of past contracts and resolutions.

128. Nothing in this Act shall affect any power to sell, mortgage, alienate, or lease corporate lands in pursuance of an agreement made on or before the fifth day of June one thousand eight hundred and thirty-five, or of a resolution entered in the books of a body corporate on or before that date.

Saving for rates in respect of past debts.

129. Nothing in this Act shall prevent the levying or collection of any rate for the purpose of paying any debt contracted before the commencement of this Act or any interest thereon.

Saving for rights of creditors in respect of tolls or dues.

130. It shall not be lawful for the council of a borough of which the body corporate had before the passing of the Municipal Corporations Act, 1835, contracted any lawful debt chargeable on any tolls or dues belonging or payable to that body corporate, or to any member or officer thereof in his corporate capacity, or towards the satisfaction whereof such tolls or dues or any part thereof were or was applicable before the passing of that Act, to alter or reduce the amount to be levied and payable of such tolls or dues, or to grant for any consideration any remission thereof or exemption therefrom or of or from any part thereof, except with the consent in writing, under the hands of a majority in number and amount

of the creditors to whom the debt is due, until after the debt and all arrears of interest due thereon have been fully paid and satisfied.

Transitory Provisions.

Saving for lawful debts contracted before 5 & 6 Will. 4. c. 76.

131.—(1.) Notwithstanding anything in this Act, the application of the borough fund to the several payments specified in the Fifth Schedule or otherwise authorized by this Act shall be subject to the payment of any lawful debt due from the municipal corporation to any person which was contracted before the passing of the Municipal Corporations Act, 1835, and is unredeemed, or of so much thereof as the council from time to time are required or deem it expedient to redeem, and to the payment from time to time of the interest on so much thereof as remains unredeemed.

(2.) The council may from time to time execute under the corporate seal any deed or obligation in the name of the corporation for securing repayment and satisfaction of any such debt or obligation contracted by or on behalf of the corporation before the passing of the Municipal Corporations Act, 1835.

(3.) Money borrowed by a council for the purpose of being applied, and applied, in or towards satisfaction and discharge of any such pre-existing debt or obligation, shall be deemed to be a debt contracted by or on behalf of the corporation before the passing of the Municipal Corporations Act, 1835.

Saving against new liability to debts contracted before 5 & 6 Will. 4. c. 76.

132. Nothing in this Act shall make liable to the payment of any debt contracted by any body corporate of a borough before the passing of the Municipal Corporations Act, 1835, any part of the real or personal estate of that body corporate which before the passing of that Act was not liable thereto or authorize the levy of any rate within any part of any borough for the purpose of paying any debt contracted before the passing of that Act, which before the passing of that Act could not lawfully be levied therein towards payment of the same.

PART VI.

CHARITABLE AND OTHER TRUSTS AND POWERS.

Charitable Trusts.

Charitable Trusts.

Administration of charitable trusts and vesting of legal estate.

133.—(1.) Where at the passing of the Municipal Corporations Act, 1835, the body corporate of a borough, or any one or more of the members thereof, in his or their corporate capacity, stood solely, or together with any person or persons elected solely by that body corporate, or solely by any particular number, class, or description of members thereof, seised or possessed, for any estate or interest, of land, in whole or in part in trust or for the benefit of any charitable uses or trusts, and the legal estate in that land was, at the passing of the Municipal Corporations Act, 1835, vested in the body corporate or person or persons so seised or possessed thereof, and was by the Charitable Trusts Act, 1853, vested in the trustees appointed by the Lord Chancellor under the Municipal Corporations Act, 1835, or such of them as should be surviving and continuing trustees under that appointment, according to the respective estates and interests therein, and subject to such and the same charges and incumbrances, and on such and the same trusts, as the same were subject to before such vesting, then, in every case, on the death,

16 & 17 Vict. c. 137. s. 65.

Charitable Trusts.

resignation, or removal of any trustee, and on any appointment of a new trustee, the legal estate in that land and in all other lands subject to any such charitable uses or trusts for the time being vested in the trustees or any of them, or in any persons or the heirs or devisees of any person deceased, resigned, or removed, shall vest in the persons who after such death, resignation, or removal, and such appointment of a new trustee, continue or are the trustees for the time being, without any conveyance or assurance.

(2.) Nothing in this section shall take away, abridge, or prejudicially affect any power, authority, or jurisdiction of the Charity Commissioners for England and Wales.

Special Trusts and Powers.

Corporation to be trustee where corporators trustees.

Special Trusts and Powers.

134. The municipal corporation of a borough shall be trustees for executing by the council the powers and provisions of all Acts of Parliament made before the passing of the Municipal Corporations Act, 1835 (other than Acts made for securing charitable uses and trusts), and of all trusts (other than charitable uses and trusts) of which the body corporate of the borough, or any of the members thereof in their corporate capacity, was or were sole trustees before the first election of councillors in the borough under the Municipal Corporations Act, 1835.

Appointment of members of council to be trustees in cases of joint trusts and other cases.

135.—(1.) In every borough in which the body corporate, or a particular or limited number, class, or description of members thereof, or of persons appointed by the body corporate, was or were before the passing of the Municipal Corporations Act, 1835, trustees jointly with other trustees for the execution of any Act of Parliament, or of any trust, or in which the body corporate, or any particular or limited number, class, or description of members or nominees thereof, by any statute, charter, byelaw, or custom, before the passing of the Municipal Corporations Act, 1835, was or were, lawfully appointed to or exercised any powers, duties, or functions, not otherwise in the Municipal Corporations Act, 1835, or this Act provided for, and the continuance of which is not inconsistent with the provisions of the Municipal Corporations Act, 1835, or this Act, the council, on the day prescribed in any Act of Parliament as aforesaid, or in the deed or will by which the trust is created, for a new election, nomination, or appointment of trustees, or on which a new election, nomination, or appointment has usually been made, (and if there is no day prescribed or usually observed, then on or within ten days after the first of January in every year,) shall appoint the like number of members of the council, or as near as may be to the like number of members of the council, as there were theretofore members or nominees of the body corporate of the borough who in right of their office were such trustees, or charged with the execution of such powers, duties, and functions, in room of the members or nominees of the body corporate ceasing to be trustees, or ceasing to exercise such powers, duties, and functions by virtue of the Municipal Corporations Act, 1835.

(2.) In every case of extraordinary vacancy among the trustees or persons so appointed, the council shall forthwith appoint one other member of the council in the room of the person by whom

the vacancy has been made, to hold his trust or office for such time as that person would regularly have held it.

Special Trusts and Powers.

Local Acts.

Local Acts.

136.—(1.) The trustees appointed or acting by or under any local Act of Parliament for the time being in force, for paving, lighting, supplying with water or gas, cleansing, watching, regulating, or improving, a borough, or any part thereof, or for providing or maintaining a cemetery or market in or for a borough, or any part thereof, whether in any such case their powers under the local Act do or do not extend beyond the borough, may, if they think fit, at a meeting called for this purpose, transfer to the municipal corporation of the borough, with the consent of the council but not otherwise, all the rights, powers, estates, property, and liabilities for the time being vested in or imposed on the trustees under the local Act.

Transfer of powers of local authorities to municipal corporations.

(2.) The transfer shall be made in writing under the common seal of the trustees if they are a corporation, and if not, then by deed executed by the trustees, or by any two of them acting by their authority and on their behalf.

(3.) On the transfer being made, the municipal corporation shall become and be the trustees for executing by the council the powers and provisions of the local Act; and all the rights, powers, estates, and property vested in the transferring trustees shall vest in the corporation; and all the liabilities and obligations of the transferring trustees shall be transferred to and borne by the corporation, and the transferring trustees shall be discharged therefrom.

137.—(1.) Where at the passing of the Municipal Corporations Act, 1835, there was a local Act of Parliament for lighting part of a borough then incorporated, the council may, if they think fit, make an order that any specified part of the borough not within the provisions of any such local Act shall, after a day fixed in the order, be within those provisions; and after that day the part so specified shall be within those provisions, as far as relates to lighting, or to any rate authorized to be levied for lighting.

Power for council to extend local lighting Act.

(2.) But the part so specified shall be lighted in like manner as those parts of the borough which before the making of the order were within those provisions; and any rate raised for the purpose of defraying the expenses of lighting the part so specified shall not exceed the average expense in the pound of lighting the other parts of the borough.

138. Everything provided under any local Act of Parliament in force on the twentieth of August, one thousand eight hundred and thirty-six, to be done exclusively by a particular or limited number, class, or description of the members of any body corporate named in the schedules to the Municipal Corporations Act, 1835, the continuance of which was not inconsistent with the provisions of that Act, and everything provided in any such local Act to be done by the justices, or by some particular class or description, or members of such body corporate, being justices, at a court of quarter sessions, which did not relate to the business of a court of criminal or civil judicature, if the same respectively has been lawfully continued to be done up to the commencement of this Act by the council, or a

Exercise of powers under local Acts.

Local Acts.

committee thereof, shall be continued thereafter to be done by the council at a quarterly meeting, or by any three of a committee of the council appointed at such a meeting.

PART VII.

BOROUGH FUND: BOROUGH RATE: COUNTY RATE.

Borough Fund.

Borough Fund.

Payments to borough fund.

139. The rents and profits of all corporate land, and the interest, dividends, and annual proceeds of all money, dues, chattels, and valuable securities belonging or payable to a municipal corporation, or to any member or officer thereof in his corporate capacity, and every fine or penalty for any offence against this Act (except where and as far as the application thereof is otherwise provided for) shall go to the borough fund.

Application of borough fund.

140.—(1.) The borough fund shall be applicable to and charged with the several payments specified in the Fifth Schedule.

(2.) The payments specified in Part I. of that schedule may be made without order of the council; those specified in Part II. may not be made without such order.

(3.) No other payment shall be made out of the borough fund, except—

(*a.*) Under the authority of an Act of Parliament; or

(*b.*) By order of the council; or

(*c.*) By order of the court of quarter sessions for the borough; or

(*d.*) By order of a justice in pursuance of this Act; or

(*e.*) In cases in which the court of quarter sessions for a county, or a justice acting in and for a county in the discharge of his judicial duty, might make an order for the payment of money on the treasurer of the county.

(4.) Saving, nevertheless, in relation to the application of the borough fund as authorized by this section, or otherwise by this Act, all rights, interests, and demands of all persons in or on the real or personal estate of the municipal corporation, by virtue of any legal proceeding, or of any mortgage, or otherwise.

Orders for payment of money.

141.—(1.) An order of the council for payment of money out of the borough fund shall be signed by three members of the council, and countersigned by the town clerk.

(2.) Any such order may be removed into the Queen's Bench Division of the High Court by writ of certiorari, and may be wholly or partly disallowed or confirmed on motion and hearing, with or without costs, according to the judgment and discretion of the court.

Payments to and by treasurer.

142.—(1.) All payments to and out of the borough fund shall be made to and by the treasurer.

(2.) All payments to the treasurer shall go to the borough fund.

Application of surplus of borough fund.

143.—(1.) If the borough fund is more than sufficient for the purposes to which it is applicable under this Act, or otherwise by law, the surplus thereof shall be applied under the direction of the council for the public benefit of the inhabitants and improvement of the borough

(2.) If the surplus arises from the rents and profits of the property of the municipal corporation, and not from a borough rate, and the borough is a sanitary district under the Public Health Act, 1875, then the municipal corporation, as the sanitary authority for the borough, may apply the surplus in payment of any expenses incurred by them as such sanitary authority, before or after the commencement of this Act, in improving the borough, or any part thereof, by drainage, enlargement of streets, or otherwise, under the Public Health Act, 1875, or any Act thereby repealed. *Borough Fund.*

Borough Rate.

Borough Rate.

144.—(1.) If the borough fund is insufficient for the purposes to which it is applicable under this Act or otherwise by law, the council shall from time to time estimate, as correctly as may be, what amount, in addition to the borough fund, will be sufficient for those purposes. Power for council to make borough rate and assess contribution thereto.

(2.) In order to raise that amount, the council shall, subject to the provisions of this Act, from time to time order a rate, called a borough rate, to be made in the borough.

(3.) A borough rate may be made retrospectively, in order to raise money for the payment of charges and expenses incurred, or which have come in course of payment, at any time within six months before the making of the rate.

(4.) The council shall assess the contributions to the borough rate on the several parishes and parts of parishes in the borough in proportion to the total annual value of the hereditaments in each parish or part which are rateable to the poor, or in respect of which a contribution is made to the poor rate.

(5.) That value shall be estimated according to the valuation list (if any) in force for the time being, and if there is none, according to the last poor rate.

(6.) But if for any reason the council think that the valuation list or poor rate is not a fair criterion of value they may cause an independent valuation to be made.

(7.) For the purpose of assessing a borough rate, or for the purpose of an independent valuation, the council from time to time may cause any of the books of assessment of any rates or taxes, parliamentary or parochial, on any property, and the valuation by which the assessment is made, in the hands of the overseers, to be brought before them, and may take copies thereof or extracts therefrom, or may direct any person to take copies of or extracts from such books being in his hands, without having the same brought before the council, or may call before them any overseer to give evidence respecting the same; and may cause copies of the total amount assessed in each parish in respect of any tax payable to the Crown, and the total amount of the valuation of the property on which that assessment was made in any past year, to be made out by the clerk to the commissioners of each district.

(8.) The overseers and such persons as they select, by warrant of the council, signed by the mayor and sealed with the corporate seal, may enter on, view, and examine any land chargeable to the borough rate, in order to ascertain the annual value at which it ought to be

Borough Rate. charged; but no such entry shall in any case be made unless fourteen days previous notice in writing, signed by the mayor and sealed with the corporate seal, of the intention to make the entry, has been given to the overseers and to the persons on whose land the entry is to be made.

(9.) If on any occasion the overseers of a parish think that their parish is aggrieved by a borough rate, on account of the proportions assessed as the contributions of the respective parishes being unequal, or on account of some parish being without sufficient cause omitted, or on account of any other just cause of complaint, they may appeal to the recorder at the next quarter sessions for the borough, or if there is none, to the next quarter sessions for the county wherein the borough is situate, or whereto it is adjacent, against such part of the rate only as affects their parish.

(10.) The recorder or quarter sessions shall hear and finally determine the appeal, and either confirm such parts of the rate as are appealed against, or correct any inequalities, disproportions, or omissions proved to exist therein, as to him or them appears just.

(11.) The expenses of the appeal shall be paid by such parishes or persons and in such proportions as the recorder or court having cognisance of the appeal directs.

(12.) If any person having custody of any book for which the council call under this section, fails to produce it to the council, or to permit any copy thereof or extract therefrom to be made or taken, or to give such evidence as the council require, he shall, on summary conviction, be liable to a fine not exceeding ten pounds.

(13.) If any clerk to the commissioners of a district fails to make any copy, which he is required to make under this section, within a reasonable time after his receipt of the order to make it, he shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

Collection of borough rate in undivided parish.

145.—(1.) Where a parish is wholly in a borough, the council may from time to time, if they think fit, order the overseers to pay the contribution of the parish to the borough rate out of the poor rate made or to be made for the parish.

(2.) The overseers shall pay the contribution to the council or as they order.

(3.) If the overseers fail to pay as ordered, the amount may be levied off the goods of them or any of them, by distress, by virtue of a warrant signed by the mayor and sealed with the corporate seal, or signed by two justices in and for the borough.

Collection of borough rate in divided parish.

146.—(1.) Where a parish is partly in and partly out of a borough, the overseers, on receipt of an order for payment of money for the contribution of the part in the borough towards a borough rate, which order the council may make as if the whole parish was in the borough, shall assess on and levy from the occupiers of hereditaments rateable to the poor rate in that part of the parish the amount necessary for the contribution, either as a separate rate, for which the overseers shall have all the powers which belong to them for levying a poor rate, or with and as part of the poor rate to which occupiers in that part of the parish are liable in common with occupiers in the other part.

(2.) Any person rated under this section may appeal against the rate in like manner and with the like consequences, and subject to the like provisions and regulations, as in appeals against a poor rate. *Borough Rate.*

(3.) The overseers shall pay the amount of the contribution to the council, or as they order, and in default thereof shall be subject to all provisions and penalties provided by law concerning nonpayment of contribution to a borough rate.

(4.) Every overseer and collector shall account for the money collected and expended under this section to the auditor of the district comprising the parish in the like manner, and with the like incidents, consequences, liabilities, and power of appeal as in the case of the poor rate; and the Local Government Board shall have the like power to make orders to regulate the mode of accounting as they have in regard to other local rates.

(5.) If any balance is found in the hands of any such overseer or collector he shall apply it towards the next rate required under this section, or pay it to his successor in office.

(6.) In default of his so applying it while in office, or making payment to his successor within seven days after the balance is found, the auditor shall proceed to recover it.

(7.) The officers ordinarily employed in the collection of the poor rate shall, if required by the overseers, collect the rate under this section, and shall receive thereout such remuneration for the additional duty as the overseers, with the consent of the vestry, determine.

(8.) The collector or other person appointed shall, for the purposes of this section, have all the powers of overseers.

(9.) The overseers, in estimating the amount of their assessment under this section, may include a sum for costs of assessment and collection, and a reasonable sum for rates excused or irrecoverable.

147. Where the vestry of a parish has made or makes, before or after the commencement of this Act, under section four of the Poor Rate Assessment and Collection Act, 1869, an order, as in that section provided, to the effect that the owners, instead of the occupiers, of such rateable hereditaments, as therein mentioned, shall be rated to the poor rate in respect thereof, every such order, while in force after the commencement of this Act, shall be deemed to apply to and include rating to the borough rate, with the same incidents, conditions, powers, liabilities, and remedies as if the borough rate were a poor rate. Rating of owners instead of occupiers for borough rate in certain cases. 32 & 33 Vict. c. 41.

148. Any warrant required for the levy or collection of a borough rate may be issued by the mayor, signed by him, and sealed with the corporate seal. Warrants for levy of borough rate.

149. All sums levied in pursuance of the borough rate shall go to the borough fund; and, subject to the foregoing provisions of this Part, the same shall be applied to all purposes to which the borough fund is applicable under this Act, or otherwise by law; and, as regards a borough named in the schedules to the Municipal Corporations Act, 1835, to all purposes to which, before the passing of that Act, a borough rate was by law applicable in the borough, or a county rate was applicable in a county. Borough rate to go to borough fund; and its application.

County Rate.

County Rate.

General exemption of quarter sessions boroughs from county rate.

150.—(1.) Where a borough has a separate court of quarter sessions, the justices of a county wherein the borough or any part thereof is situate shall not assess any hereditaments in the borough to any county rate; and, except as is expressly by this Act provided, every part of the borough shall be wholly free from contributing to any rate or assessment of any kind of and for that county.

(2.) But nothing in this section shall prevent the levy or collection of arrears of any county rate made before the grant of a separate court of quarter sessions.

Liability of quarter sessions borough for prosecution expenses of county.

151. The municipal corporation of a borough having a separate court of quarter sessions shall be liable to pay such sums, if any, as are expended out of the county rate of the county in which the borough is situate, and as are not otherwise paid or chargeable, in respect of the costs arising out of the prosecution, maintenance, conveyance, transport, or punishment of all offenders committed for trial from the borough to the assizes for the county.

Liability of certain quarter sessions boroughs to other county expenses.

152.—(1.) If the whole or any part of the area for the time being comprised in a borough having a separate court of quarter sessions was, before the eleventh of July one thousand eight hundred and thirty-two, chargeable with or liable to contribute to the county rate of the county in which it is situate, the municipal corporation shall, in addition to its liability to pay for the purposes mentioned in the last foregoing section, continue liable to contribute to the county rate for other purposes (in this Act referred to as general county purposes), as if this Act had not been passed.

38 & 39 Vict. c. 63.

(2.) General county purposes shall not include the costs arising out of coroners inquests, or the expenses incurred under the Sale of Food and Drugs Act, 1875, in respect of the county, or, in the case of a borough having its own inspector of weights and measures, the expenses relating to the inspection of weights and measures for the county, or payments to or in respect of special constables.

Mode of accounting by borough to county.

153.—(1.) The treasurer of each county shall, not more than twice in every year, send to the council of each borough situate in the county and having a separate court of quarter sessions an account shewing separately—

(*a.*) The sums, if any, expended out of the county rate in respect of the costs arising out of the prosecution, maintenance, conveyance, transport, or punishment of offenders committed for trial from the borough to the assizes for the county; and

(*b.*) If the borough is liable to contribute to the county rate for general county purposes, all sums expended out of the county rate for general county purposes, and all sums received in aid or on account of the county rate, and the proportion chargeable on the borough of the sums so expended after deduction of the sums so received;

and shall make an order on the council for the payment of the sum appearing by this account to be due from the municipal corporation of the borough.

County Rate.

(2.) The council shall thereupon forthwith order the sum so appearing to be due, with all reasonable charges of making and sending the account, to be paid to the treasurer of the county out of the borough fund.

(3.) If the order is not complied with, two justices for the county may, on the complaint of the treasurer of the county, made within one month after the issue of the order, issue and send to the treasurer of the borough a warrant requiring him to pay to the treasurer of the county, besides the sum mentioned in the order, the additional sum mentioned in the warrant, the same being calculated in the proportion of one shilling to every ten on the sum mentioned in the order; and until payment thereof the treasurer of the county shall have, in respect of the warrant, all the powers for the recovery thereof which are given against a guardian or overseer for the recovery of county rates and surcharges.

(4.) If any difference arises concerning the account, it shall be decided by the arbitration of a barrister, named, on the application either of the treasurer of the county or of the treasurer of the borough, by the Secretary of State. The arbitrator may, if he thinks fit, adjourn the hearing from time to time, and may require all such information to be afforded by either party as he thinks fit. He shall by his award in writing determine the amount to be paid by the council to the treasurer of the county, and his award shall be final and conclusive. He shall also assess the costs of the arbitration and determine by whom and out of what fund they shall be paid.

PART VIII.

ADMINISTRATION OF JUSTICE.

County Justices.

County Justices.

Jurisdiction of county justices in borough.

154.—(1.) Where a borough has not a separate court of quarter sessions, the justices of the county in which the borough is situate shall exercise the jurisdiction of justices in and for the borough as fully as they can or ought in and for the county.

(2.) No part of a borough having a separate court of quarter sessions shall be within the jurisdiction, exerciseable out of quarter sessions, of the justices of a county, where the borough was exempt therefrom before the passing of the Municipal Corporations Act, 1835.

Borough Justices.

Borough Justices.

Mayor and last mayor to be borough justices.

155.—(1.) The mayor shall, by virtue of his office, be a justice for the borough, and shall, unless disqualified to be mayor, continue to be such a justice during the year next after he ceases to be mayor.

(2.) The mayor shall have precedence over all other justices acting in and for the borough, and be entitled to take the chair at all meetings of justices held in the borough at which he is present by virtue of his office of mayor; except that he shall not by virtue of this section have precedence over the justices acting in and for the county in which the borough or any part thereof is situate,

Borough Justices

unless when acting in relation to the business of the borough, or over any stipendiary magistrate engaged in administering justice

Separate commission of peace

156. It shall be lawful for the Queen on the petition of the council of a borough to grant to the borough a separate commission of the peace

Qualification of borough justice

157.—(1) It shall be lawful for the Queen from time to time to assign to any persons Her Majesty's commission to act as justices in and for each borough having a separate commission of the peace

(2) A justice for a borough shall not be capable of acting as such until he has taken the oaths required to be taken by justices, except the oath as to qualification by estate, and made before the mayor or two other members of the council a declaration as in the Eighth Schedule

(3) He must while acting as such, reside in or within seven miles of the borough or occupy a house warehouse or other property in the borough

(4) He need not be a burgess or have such qualification by estate as is required for a justice of a county

Jurisdiction of borough justices

158.—(1) A justice for a borough shall, with respect to offences committed and matters arising within the borough, have the same jurisdiction and authority as a justice for a county has under any local or general Act with respect to offences committed and matters arising within the county, except that he shall not, by virtue of his being a justice for the borough, act as a justice at any court of gaol delivery or quarter sessions or in making or levying any county or borough rate

(2) A justice shall not be disabled from acting in the execution of this Act by reason of his being liable to the borough rate

Clerk to borough justices

159.—(1) The justices for a borough shall from time to time appoint a fit person to be their clerk to be removeable at their pleasure

(2) They shall not appoint or continue as their clerk an alderman or councillor of the borough, or the clerk of the peace of the borough, or of the county in which the borough is situate, or the partner of any such clerk of the peace

(3) The clerk to the justices shall not, by himself or his partner or otherwise, be directly or indirectly employed or interested in the prosecution of any offender committed for trial by those justices or any of them, at any court of gaol delivery or quarter sessions

(4) If any person acts in contravention of the last foregoing provision of this section, he shall for every offence be liable to a fine not exceeding one hundred pounds, recoverable by action

(5) One moiety of any fine so recovered shall, with costs, be paid to the person bringing the action to recover it

(6) Nothing in this Act shall prevent the justices for a borough from re appointing as their clerk any person being clerk of the peace of the borough or of the county in which the borough is situate, or partner of any such clerk of the peace, if the person re-appointed was on the sixth of August one thousand eight hundred and sixty-one, or has not ceased to be at the time of re appointment the clerk of those justices

Borough Justices.

Justices room.

160.—(1.) The council of a borough having a separate commission of the peace shall provide and furnish a suitable justices' room, with offices, for the business of the borough justices.

(2.) No room in a house licensed for the sale of intoxicating liquors may be used for this purpose.

Stipendiary Magistrate.

Stipendiary Magistrate.

Appointment of stipendiary magistrate.

161.—(1.) If the council desire the appointment of a stipendiary magistrate for the borough, they may present a petition for the appointment to the Secretary of State, and thereupon it shall be lawful for the Queen to appoint to that office a barrister of seven years standing.

(2.) He shall hold office during Her Majesty's pleasure.

(3.) He shall, by virtue of his office, be a justice for the borough.

(4.) There shall be paid to him such yearly salary, not exceeding, except with the consent of the council, that mentioned in the petition, as Her Majesty from time to time directs.

(5.) It shall be paid by four equal quarterly payments, and in the same proportion up to the time of his death or ceasing to act.

(6.) On a vacancy, a new appointment shall not be made until the council again make application as before the first appointment.

(7.) More than one stipendiary magistrate may be appointed for a borough.

Borough Quarter Sessions: Recorder: Clerk of the Peace.

Borough Quarter Sessions: Recorder: Clerk of the Peace.

Grant of separate court of quarter sessions.

162.—(1.) It shall be lawful for the Queen, on the petition to Her Majesty in Council of the council of a borough, to grant that a separate court of quarter sessions be holden in and for the borough.

(2.) The petition shall set forth the grounds of the application and the salary which the council are willing to pay to the recorder.

(3.) The grant may be made on and subject to such terms and conditions, if any, as to Her Majesty in Council seem fit.

(4.) Within ten days after receipt of the grant the council shall send a copy thereof, sealed with the corporate seal, to the clerk of the peace of the county, or each county, if more than one, in which the borough or any part thereof is situate.

The recorder.

163.—(1.) It shall be lawful for the Queen from time to time to appoint for a borough having a separate court of quarter sessions a barrister of five years standing to be recorder of the borough.

(2.) He shall hold office during good behaviour.

(3.) He shall, by virtue of his office, be a justice for the borough.

(4.) He shall not act as recorder, or as a justice, until he has taken the oaths required to be taken by a borough justice, and made before the mayor or two other members of the council a declaration as in the Eighth Schedule.

(5.) He shall have precedence in all places within the borough next after the mayor.

(6.) He shall not, during his office, be eligible to serve in Parliament for the borough, or be an alderman, councillor, or stipendiary magistrate of the borough; but he may be appointed revising barrister for the borough, and shall be eligible to serve in Parliament except for the borough.

Borough Quarter Sessions. Recorder. Clerk of the Peace

(7.) There shall be paid to him such yearly salary, not exceeding that stated in the petition on which the grant of a separate court of quarter sessions was made, as Her Majesty directs; but the same may at any time be increased by resolution of the council, approved by the Secretary of State, without the resignation and re-appointment of the recorder being necessary.

(8.) A person may be appointed recorder of two or more boroughs conjointly.

The clerk of the peace.

164.—(1.) The council of a borough having a separate court of quarter sessions shall from time to time appoint a fit person to be the clerk of the peace for the borough.

(2.) The clerk of the peace shall hold office during good behaviour.

(3.) The clerk of the peace may from time to time, by writing signed by him, appoint a fit person to act as deputy for him, in case of his illness, incapacity, or absence.

(4.) The appointment of the deputy shall be signified in writing, signed by the clerk of the peace, to the council, and shall be recorded in their minutes.

(5.) Where a table of the fees to be taken by the clerk of the peace has been made by the council and confirmed by the Secretary of State, and is for the time being in force, the clerk of the peace, if paid by fees, may take the fees to which he appears by that table to be entitled.

(6.) The council may from time to time make a new table of the fees to be taken by the clerk of the peace, but shall submit every such table to the Secretary of State for confirmation, and he may confirm and allow the same, either as submitted, or with such alterations, additions, or abatements as he thinks proper, and any such table shall be of no validity until it is so confirmed.

Recorder to hold court of quarter sessions.

165.—(1.) The recorder shall hold, once in every quarter of a year, or oftener, if and as he thinks fit, or the Secretary of State directs, a court of quarter sessions in and for the borough.

(2.) He shall sit as sole judge of the court.

(3.) The court shall be a court of record, and shall have cognisance of all crimes, offences, and matters cognisable by courts of quarter sessions for counties in England; and the recorder shall, notwithstanding his being sole judge, have power to do all things necessary for exercising that jurisdiction as fully as those courts.

(4.) But the recorder shall not, by virtue of his office, have power

(*a.*) To allow, apportion, make, or levy any borough rate; or

(*b.*) Subject to the provisions of this Act respecting appeals from a rate, to do any act in relation to the allowance, apportionment, making, or levying of any rate whatsoever; or

(*c.*) To grant any licence or authority to any person to keep an inn, alehouse, or victualling house to sell exciseable liquors by retail; or

(*d.*) To exercise any power by this Act specially vested in the council.

Power to appoint deputy recorder.

166.—(1.) The recorder may, in case of sickness or unavoidable absence, appoint, by writing signed by him, a barrister of five years standing to act as deputy recorder at the quarter sessions then next ensuing or then being held, and not longer or otherwise.

(2.) But the sessions shall not be illegal, nor shall the acts of a deputy recorder be invalid, by reason of the cause of the absence of the recorder not being unavoidable.

Borough Quarter Sessions. Recorder: Clerk of the Peace.

167.—(1.) In the absence of the recorder and deputy recorder, the mayor shall, at the times for the holding of the court of quarter sessions, open the court, and adjourn the holding thereof, and respite all recognisances conditioned for appearing thereat, until such day as he then and there, and so from time to time, causes to be proclaimed.

Powers of mayor in absence of recorder and deputy recorder.

(2.) But nothing in this section shall authorise the mayor to sit as a judge of the court for the trial of offenders, or, save as aforesaid, to do any other act in the character of a judge of the court.

168.—(1.) If at any time it appears to the recorder that the quarter sessions are likely to last more than three days, including the day of assembling, he may in his discretion, but subject to the provisions of this section, order a second court to be formed, and appoint by writing signed by him a barrister of five years standing to preside therein, and try such felonies and misdemeanours as shall be referred to him therein.

Power for recorder to form a second court.

(2.) The barrister so appointed shall be styled assistant recorder, and shall have and exercise the same powers, subject to the same regulations (save as regards the making of a declaration as in the Eighth Schedule) as the recorder; and the proceedings had by and before the assistant recorder shall be as effectual as if had by or before the recorder, and shall be enrolled and recorded accordingly.

(3.) But the assistant recorder shall not have any power or jurisdiction except while the recorder is sitting in quarter sessions; save that the assistant recorder may finish any case in which the prisoner has pleaded, and in the trial whereof the assistant recorder is actually engaged at the time when the recorder ceases to sit, and may sentence any prisoner tried before him, but not then sentenced.

(4.) If at any time during the sitting of the second court the recorder is of opinion that it is no longer required, he may direct the assistant recorder at a proper opportunity to adjourn it.

(5.) Where a second court is so formed, the clerk of the peace shall, on the request of the recorder, appoint an assistant, and the recorder shall appoint an additional crier for the second court.

(6.) The recorder shall not exercise the powers given by this section unless—

(*a.*) It has been before each quarter sessions certified to him in writing signed by the mayor or two aldermen or the town clerk that the council have resolved that it will be expedient that those powers be exercised; and

(*b.*) The name of the barrister to be appointed has at some previous time been approved by the Secretary of State as that of a fit person to be from time to time so appointed.

(7.) Where a resolution of the council is so certified, the resolution and certificate shall, if the resolution so provides, continue in force during twelve months from the date of the resolution, and during such continuance no fresh resolution or certificate shall be necessary.

Borough Quarter Sessions Recorder Clerk of the Peace

(8) An assistant recorder assistant clerk of the peace, and additional crier shall have remuneration as appearing by the Fourth and Fifth Schedules

(9) The powers given to the recorder by this section may be exercised by the deputy recorder

(10) Appointments made and certificates given under this section shall not be subject to any stamp duty or other tax

Liability of borough having quarter sessions for prosecutors expenses

169. A municipal corporation of a borough having a separate court of quarter sessions shall be liable to pay the costs and expenses attending the prosecution of any felony committed or supposed to have been committed in the borough, and of any other offence committed or supposed to have been committed in the borough the costs and expenses attending the prosecution whereof are by law payable as in the case of a felony The amount of those costs and expenses shall be ascertained as directed by law, and the order of the court for the payment thereof shall be directed to the treasurer of the borough

Sheriff

Sheriff

Appointment of sheriff in counties of cities and counties of towns

170.—(1) The council of every borough being a county of itself, and of the city of Oxford, shall on the ninth of November in every year appoint a fit person to execute the office of sheriff

(2) The appointment shall be made at the quarterly meeting of the council immediately after the election of the mayor

(3) The sheriff shall hold office until the appointment of his successor

(4) He shall have the same duties and powers as the sheriff or the person filling the office of sheriff in the respective borough or city would have had if this Act had not been passed

Coroner

Coroner

Appointment, fees, &c of borough coroner in boroughs having separate quarter sessions

171.—(1) The council of a borough having a separate court of quarter sessions shall, within ten days next after receipt of the grant thereof by the council, and thenceforward from time to time appoint a fit person, not an alderman or councillor of the borough to be coroner of the borough, and thereafter no person other than the coroner so appointed shall take in the borough any inquisition belonging to the office of coroner

(2) The coroner shall hold office during good behaviour

(3) A vacancy in the office shall be filled up within ten days after it occurs

(4) The coroner shall have by order of the recorder, remuneration as appearing in the Fourth and Fifth Schedules

Power of borough coroner to appoint a deputy

172.—(1) In case of illness or unavoidable absence, the coroner shall appoint by writing signed by him a fit person, being a barrister or solicitor, and not an alderman or councillor of the borough to act for him as deputy coroner during his illness or unavoidable absence, but not longer or otherwise

(2) The mayor or two justices for the borough shall on each occasion certify by writing signed by him or them the necessity for the appointment of a deputy coroner. This certificate shall state

the cause of absence of the coroner, and shall be openly read to every inquest jury summoned by the deputy coroner

Coroner

173. On or before the first of February in every year the coroner shall send to the Secretary of State a return in writing in such form as the Secretary of State directs of the particulars of each case in which the coroner or his deputy was called upon to hold an inquest during the year ending on the then last thirty-first of December

Returns by borough coroners

174.—(1) Where a borough has not a separate court of quarter sessions no person other than the coroner for the county or district in which the borough is situate shall take in the borough any inquisition belonging to the office of coroner

Acting of county coroner in borough

(2) That coroner shall, for every inquisition duly taken by him within the borough be entitled to such rateable fees and salary as would be allowed and due to him, and to be allowed and paid in like manner, as for any other inquisition taken by him within the county or district

Borough Civil Court

Borough Civil Court

175.—(1) The recorder, if there is one shall continue to be the judge of the borough civil court, except in the following cases, that is to say, where the court is regulated by a local Act of Parliament, or where a barrister of five years standing acted at the passing of the Municipal Corporations Act, 1835, as judge or assessor of the court

Judge of borough civil court where there is a recorder

(2) The recorder, if judge may, in case of his illness or unavoidable absence, appoint by writing signed by him a barrister of five years standing to act for him as deputy judge of the court at the court or courts then next to be holden, or then being holden, and not longer or otherwise

(3) The recorder on every occasion of his appointing a deputy judge shall forthwith send to the Secretary of State a statement of his reason for so doing

(4) A court shall not be illegal nor shall the acts of the deputy judge be invalid, by reason of the absence of the recorder not being unavoidable

(5) The recorder, where judge, and the deputy judge, shall have such remuneration as the council fix by byelaw

(6) Where the recorder is judge, the court may in his absence be holden for all purposes within the competency of the court, except the trial of issues of fact or of law, before any person, being a barrister of five years standing or a solicitor of five years practice, from time to time appointed for that purpose by the recorder by writing signed by him

(7) Where the recorder or his deputy is judge all orders, affidavits, and matters, except the trial of issues in law or in fact, relating to the business of the court, if not regulated by a local Act, may be made, sworn, or done in or out of court in the absence of the recorder and his deputy by or before the registrar or such other person being a barrister of five years standing or a solicitor of five years practice, as the recorder appoints by writing signed by him

Borough Civil Court.

Judge of borough civil court where there is no recorder.

176. Where there is a borough civil court, but no recorder, such officer of the borough as by the charter constituting the court, or by custom, is the judge of the court, shall continue to be and act as such judge; and the council, whether the court is regulated by a local Act or not, shall have power for that purpose to appoint the necessary officer.

Tenure of judge.

177. Every judge or assessor of a borough civil court, other than the mayor, shall hold his office during good behaviour.

Registrar and other officers and fees.

178.—(1.) Except where the town clerk acts as registrar, the council shall from time to time appoint a registrar of the borough civil court.

(2.) The council shall from time to time appoint other requisite officers and servants of the court.

(3.) The fees to be taken by the registrar and other officers of the court shall be from time to time fixed by the council, subject to the approval of the Secretary of State.

(4.) If and as far as the fees are not so fixed, they shall be those usually taken before the passing of the Municipal Corporations Act, 1835.

Solicitors.

179.—(1.) The registrar of a borough civil court, or any other officer of the court, shall not himself, or by any partner or clerk, practise as a solicitor or attorney, in the court; nor shall any partner or clerk of the registrar act as agent for any other solicitor or attorney in the court.

(2.) Unless so disqualified, every solicitor of the Supreme Court of Judicature may practise as solicitor in the court

Time of holding court.

180.—(1.) Each borough civil court shall be holden for trial of issues of fact and of law four times at least in each year, and with no greater interval than four months between two successive courts.

(2.) Subject as aforesaid, where the recorder is judge, the court shall be holden at such times as the recorder thinks fit, or as the Secretary of State from time to time directs.

Procedure.

181. Every personal action brought in a borough civil court shall be commenced by writ of summons.

Power for judge to make rules of procedure.

182.—(1.) Subject to the provisions of this Act, the judge of a borough civil court may from time to time make rules for regulating the times of holding the court and the procedure, practice, and pleadings therein, and the fees of solicitors therein, and may by any rule revoke or alter any former rule.

(2.) But where there is a recorder and he is not the judge of the court, every rule made by the judge shall be subject to the approval of the recorder in writing signed by him; save that this provision shall not apply where the recorder acts as deputy of the judge.

(3.) In every case (whether the recorder is judge or not) rules made by the judge under this section shall be subject to the approval of three judges of the High Court.

Jurisdiction of court.

183.—(1.) Where by the Municipal Corporations Act, 1835, jurisdiction was conferred on a borough civil court whereof the recorder is judge, or wherein a barrister of five years standing acts as judge or assessor, to try personal actions wherein the sum sought to be recovered does not exceed twenty pounds, and actions of ejectment between landowner and tenant wherein the annual rent of the

Borough Civil Court.

property whereof possession is sought to be recovered does not exceed twenty pounds, no fine having been reserved or made payable, then that court shall continue to have that jurisdiction.

(2.) Any action wherein the title to land of any tenure, or to any tithe, toll, market, fair, or other franchise is in question, shall not be tried in a borough civil court which before the passing of the Municipal Corporations Act, 1835, had not authority to try actions wherein such titles were in question. If it appears to such a court that such a title is in question in an action the jurisdiction of the court in the matter of the action shall cease; and the court may, if it thinks fit, award costs against the party commencing the action.

Saving for borough civil courts and for 35 & 36 Vict. c. 86.

184.—(1.) Nothing in this Act shall take away or abridge in respect of local extent, amount, or otherwise, any power, jurisdiction, or authority of a borough civil court, or of a judge, or assessor, or registrar thereof, or of any deputy of a judge, or assessor, or registrar thereof, or affect the constitution or procedure thereof; and, subject to the express provisions of this Act, such power, jurisdiction, authority, constitution, and procedure, shall continue and be as if this Act had not been passed.

(2.) Nothing in this Act shall affect the Borough and Local Courts of Record Act, 1872.

Power to extend jurisdiction of borough civil court.

185. It shall be lawful for the Queen, by Order in Council, on the joint petition of the justices of a county in quarter sessions and of the council of a borough, to grant that the jurisdiction of the borough civil court shall extend over any district adjacent to the borough within the jurisdiction of those quarter sessions; and the same shall extend accordingly.

Borough Juries.

Borough Juries.

Provisions as to juries in boroughs.

186.—(1.) Every burgess of a borough having a separate court of quarter sessions or a borough civil court shall, unless by law exempt or disqualified, be qualified and liable to serve on grand juries in the borough, and on juries for the trial of issues joined in either of those courts.

(2.) The clerk of the peace shall give public notice of the time and place of holding the court of quarter sessions ten days at least before the holding thereof, and shall, seven days at least before the holding thereof, summon a sufficient number of persons, qualified and liable, to serve as grand jurors at the sessions.

(3.) The clerk of the peace and registrar of the borough civil court respectively shall also summon a sufficient number of persons, qualified and liable, to serve as jurors at every such sessions, and at the holding of every such civil court for the trial of causes, if there is any cause then to be tried.

(4.) The summons may be made by showing to the person to be summoned, or, if he is absent from his usual place of abode, by leaving with some person therein inhabiting a notice containing its substance, and signed by the clerk of the peace or registrar, as the case may be.

(5.) The clerk of the peace and registrar shall make out lists containing the surnames and other names, abodes, and descriptions of the persons summoned by them respectively.

Borough Juries.

(6.) No person shall be summoned under this section to serve as a juror more than once in any year, unless every person qualified and liable so to serve has been already summoned once in that year.

(7.) If any person, having been duly summoned under this section, fails to attend according to the summons, or, being thrice called, does not answer to his name, or after his appearance wilfully withdraws himself from the court, he shall (unless some reasonable excuse is proved by him to the satisfaction of the court), be liable to pay a fine of such amount as the court thinks fit.

(8.) If the person on whom any such fine is imposed refuses to pay it to the person authorized by the court to receive it, the court may, then or at the next sitting, by order of the court signed by the clerk of the peace or registrar, cause to be levied, by distress and sale of the goods of the person on whom the fine is imposed, the fine, and the reasonable charges of the distress and sale.

33 & 34 Vict. c. 77.

(9.) Nothing in this Act shall affect the Juries Act, 1870.

Exceptional Provisions.

Grants to boroughs not affected by subsequent grants to counties.

Trial of offences committed in counties of cities and counties of towns.

Exceptional Provisions.

187. The grant to a borough of a separate commission of the peace, or of a separate court of quarter sessions, shall not be prejudicially affected by any subsequent grant to or for any county of a commission of the peace or other commission.

188.—(1.) Until Her Majesty is pleased to direct a commission of oyer and terminer and gaol delivery to be executed within any borough being a county of a city or county of a town, all bills of indictment for offences committed within that borough shall be preferred, and all proceedings thereon shall be had, in the manner authorized by the Act of the thirty-eighth year of the reign of King George the Third, chapter fifty-two, "to regulate the trial of "causes, indictments, and other proceedings which arise within "the counties of certain cities and towns corporate within the "kingdom."

(2.) For the purposes of that Act each borough named in the Sixth Schedule shall be considered as next adjoining the county named in conjunction therewith.

Jurisdiction in places separated from borough

189. Where under any Act a place has ceased or ceases to be part of a borough or the liberties thereof, all matters by virtue of a local Act of Parliament or otherwise cognisable by a justice or by the quarter sessions having jurisdiction within that place shall be cognisable by the justices or the quarter sessions of the county, liberty, or jurisdiction within which the place is situate, in the same manner and subject to the same provisions as they were within the jurisdiction of the justices or the quarter sessions for that place.

PART IX.

POLICE.

Watch Committee; Constables.

Council to appoint watch committee.

Watch Committee; Constables.

190.—(1.) The council shall from time to time appoint, for such time as they think fit, a sufficient number not exceeding one third of their own body, who, with the mayor, shall be the watch committee.

(2) The watch committee may act by a majority of those present at a meeting thereof, but shall not act unless three are so present

Watch Committee, Constables.

191.—(1) The watch committee shall from time to time appoint a sufficient number of fit men to be borough constables

Appointment, duties, and powers of borough constables.

(2) A borough constable shall be sworn in before a justice having jurisdiction in the borough, and when so sworn shall, in the borough, in the county in which the borough or any part thereof is situate, and in every county being within seven miles from any part of the borough, and in all liberties in any such county, have all such powers and privileges, and be liable to all such duties and responsibilities, as any constable has and is liable to for the time being in his constablewick, at common law or by statute, and shall obey all such lawful commands as he receives from any justice having jurisdiction in the borough or in any county in which the constable is called on to act

(3) The watch committee may from time to time frame such regulations as they deem expedient for preventing neglect or abuse, and for making the borough constables efficient in the discharge of their duties

(4.) The watch committee, or any two justices having jurisdiction in the borough, may at any time suspend, and the watch committee may at any time dismiss, any borough constable whom they think negligent in the discharge of his duty, or otherwise unfit for the same.

(5.) When a borough constable is so dismissed, or ceases to belong to the constabulary force of the borough, all powers vested in him as a constable by virtue of this Act shall immediately cease.

(6) Nothing in this section shall interfere with the operation of an Act of the session of the third and fourth years of Her Majesty's reign "to amend the Act for the establishment of county and district constables", and throughout that Act a reference to this Act shall be deemed to be substituted for a reference to the Municipal Corporations Act, 1835, and any Act amending it.

3 & 4 Vict c 88.

192. The watch committee shall, on the first of January, the first of April, the first of July, and the first of October in every year, send to the Secretary of State a copy of all rules from time to time made by the watch committee or the council for the regulation and guidance of the borough constables.

Quarterly returns as to borough constables.

193. A borough constable may, while on duty, apprehend any idle and disorderly person whom he finds disturbing the public peace, or whom he has just cause to suspect of intention to commit a felony, and deliver him into the custody of the borough constable in attendance at the nearest watch-house, in order that he may either be secured until he can be brought before a justice, or, where the constable in attendance is empowered and thinks fit to take bail, give bail for his appearance before a justice.

Power for constables to apprehend disorderly persons, &c.

194. If a borough constable is guilty of neglect of duty, or of disobedience to a lawful order, he shall for every such offence be liable on summary conviction to imprisonment for any time not exceeding ten days, or, in the discretion of the court, to a fine not exceeding forty shillings, or to be dismissed from his office.

Penalties on constables for neglect of duty

Watch Committee; Constables.
Penalty for assaults on constables.

195.—(1.) If any person assaults or resists a borough constable in the execution of his duty, or aids or incites any person so to assault or resist, he shall for every such offence be liable on summary conviction to a fine not exceeding five pounds.

(2.) But nothing in this section shall prevent any prosecution by way of indictment against any such offender, except that he shall not be prosecuted both by indictment and in a summary manner for the same offence.

Special Constables.

Special Constables.
Appointment of special constables.

196.—(1.) Two or more of the justices having jurisdiction in a borough shall, in October in every year, appoint, by precept signed by them, so many as they think fit of the inhabitants of the borough not legally exempt from serving the office of constable, to act as special constables in the borough.

(2.) Every such special constable shall make a declaration to the effect of the oath set forth in the Act of the session of the first and second years of the reign of King William the Fourth, chapter forty-one, "for amending the laws relative to the appointment of special "constables, and for the better preservation of the peace," and shall have the powers and immunities, and be liable to the duties and penalties, enacted by that Act.

1 & 2 Will. 4. c. 41.

(3.) He shall act when so required by the warrant of a justice having jurisdiction in the borough, but not otherwise.

(4.) The warrant shall recite that in the opinion of the justice the ordinary police force of the borough is insufficient at the date of the warrant to maintain the peace of the borough.

(5.) Nothing in this section shall make any person having a right to vote at a parliamentary election liable or compellable to serve as a special constable at or during the election.

(6.) Special constables shall be entitled to remuneration as appearing by the Fourth and Fifth Schedules.

Watch Rate

Watch Rate.
Levy of watch rate.

197.—(1.) Where at the commencement of this Act any rate might be levied in a borough, or in any part of a borough, for the purpose of watching solely by day or by night, or for the purpose of watching by day or by night conjointly with any other purpose, the council may from time to time make and levy a watch rate on the occupiers of all hereditaments within such parts of the borough as are watched by day and by night, and as are from time to time, by order of the council, declared liable to watch rate.

(2.) The watch rate shall be made on an estimate of the net annual value of the several hereditaments rated thereto, that is to say, of the rent at which, one year with another, they might in their actual state be reasonably expected to let from year to year, the probable annual average cost of the repairs, insurances, and other expenses necessary to maintain them in their actual state, and all rates, taxes, and public charges, except tithes or tithe commutation rentcharge (if any), being paid by the tenant.

(3.) The watch rate may be made by one rate made yearly, or by two or more rates made half-yearly or otherwise, and may be of any

amount, in the discretion of the council, not exceeding in any year eightpence in the pound on the net annual value of the hereditaments rated thereto. *Watch Rate.*

(4.) For the purposes of the watch rate the council and all persons concerned, including overseers, shall have all powers given to them in respect of the borough rate for ordering, making, assessing, levying, raising, collecting, or paying the same, or as near thereto as the nature of the case admits.

(5.) The provision of this Act relating to orders of vestries for the rating, in some cases, of owners, instead of occupiers, shall extend to the watch rate.

(6.) Nothing in the foregoing provisions of this section (except the general power to levy a watch rate) shall apply to any borough in which the borough fund is sufficient with the aid of the amount only of watch rate which could for the time being be raised therein under the Municipal Corporations Act, 1835, and without the aid of any borough rate, to defray the expenses of the constabulary force of the borough, with all other expenses legally payable out of the borough fund; but nothing in the present provision shall affect any benefit or right reserved by Part X., or make the borough fund liable to any expenses with which it would not be otherwise chargeable.

(7.) Nothing in this section shall affect the liability of the borough fund to make good any deficiency of the watch rate towards the expenses of the police.

(8.) Nothing in this section shall make liable to watch rate any hereditaments exempted by any local Act from payment of watch rate.

(9.) Nothing in this section shall alter the comparative liability to watch rate of any hereditaments which are under any local Act in respect of any watch rate entitled to any deduction from, or chargeable with any increase on, an equal pound rate; but the like comparative deductions and increased charges shall be made under this section.

198.—(1.) Where part only of a parish is liable to watch rate, the overseers shall not pay out of the poor rate the amount of the watch rate charged by the council on that parish, but shall make a separate rate or assessment on the part or parts only of the parish liable to watch rate; which rate shall be made in like manner and under like regulations and with like means and remedies for recovery thereof as in the case of a rate levied in respect of the contribution towards a borough rate. **Watch rate in divided parish.**

(2.) No such separate rate shall be demanded, collected, or payable until it has been allowed by two justices usually acting in and for the borough and has been published, as a poor rate is by law required to be allowed and published.

(3.) Any person who thinks himself aggrieved by such a separate rate may appeal to the recorder at the next quarter sessions for the borough, or if there is none to the next court of quarter sessions for the county wherein the borough is situate, or whereto it is adjacent; and the recorder or court shall hear and determine the same, and shall award relief in the premises as in cases of appeal against a poor rate.

Watch Rate

(4) Every such separate rate may be of the rate in the pound necessary for raising the sum charged by the council, but not exceeding twopence in the pound beyond the rate in the pound at which the council have computed the watch rate charged by them

(5) The overseers shall account for money collected under such a separate rate as for money collected under a poor rate, and if there is a surplus in their hands, they shall pay it to the treasurer, to go to the borough fund, to the credit of the place for which the rate was made, and in part payment of the next watch rate laid on that place by the council

(6) The council or a committee appointed for this purpose, on application on behalf of any person rated to such a separate rate to be discharged therefrom, and on proof of his inability through poverty to pay the amount charged on him, may order that he be excused from the payment thereof, and may strike out his name therefrom, and the sum at which he was rated shall not thereafter be collected, nor shall any person be charged with it or be liable to account for it or for omitting to collect or receive it

(7) The overseers making any such separate rate may, by warrant from two justices usually acting in and for the borough, levy on every person refusing to pay the rate the amount charged on him, with the costs and charges of recovering and enforcing payment thereof, to be ascertained by the justices, by distress and sale of the offender's goods, rendering to him the overplus, and in default of such distress two justices may commit him to prison, there to remain without bail until payment of the amount and arrearages

Warrant for levy of watch rate

199. Any warrant required for the levy or collection of a watch rate or separate rate may be issued by the mayor, signed by him, and sealed with the corporate seal

Watch rate to go to borough fund

200. All money raised by a watch rate, or by a separate rate as last aforesaid, shall go to the borough fund

PART X

FREEMEN

Freemen

Definition of freeman

201. In this Part the term freeman includes any person of the class whose rights and interests were reserved by the Municipal Corporations Act, 1835, under the name either of freemen or of burgesses

Freedom not by gift or purchase

202. No person shall be admitted a freeman by gift or by purchase

The freemen's roll

203. The town clerk of every borough for which at the commencement of this Act there is a Freemen's Roll shall continue to keep a list called the Freemen's Roll

Admission to freedom.

204. Where a person is entitled to be admitted a freeman for the purposes of this Part in respect of birth, servitude, or marriage and claims accordingly, the mayor shall examine into the claim, and on its being established the claimant shall be admitted and enrolled by the town clerk on the Freemen's Roll

Reservation of rights of property to freemen and others

205.—(1) Every person who had before the passing of the Municipal Corporations Act, 1835, been admitted a freeman, or if that Act had not been passed might have been so admitted otherwise than by gift or purchase, and

(2) Every person who for the time being is— *Freemen*

(*a*) An inhabitant of a borough, or

(*b*) Wife, widow son, or daughter of a freeman, or

(*c*) Husband of a daughter or widow of a freeman, or

(*d*) Bound an apprentice,—

shall, subject to the provisions of this Part, have and enjoy and be entitled to acquire and enjoy the same share and benefit of the hereditaments, and of the rents and profits thereof, and of the common lands and public stock of any borough or body corporate, and of any property held in whole or in part for any charitable uses or trusts, as if the Municipal Corporations Act 1835, or this Act, had not been passed

206.—(1) The total amount to be divided among the persons whose rights are by the last foregoing section reserved shall not exceed the surplus remaining after payment of the interest of all lawful debts chargeable on the property out of which the sums so to be divided have arisen together with the salaries of municipal officers and all other lawful expenses which, on the fifth of June one thousand eight hundred and thirty-five, were defrayed out of or chargeable on the same *Limit of value and saving as to conditions precedent*

(2) Where, if the Municipal Corporations Act, 1835, or this Act, had not been passed, any such person would have been liable by statute, byelaw, charter, or custom, to pay any fine, fee, or sum of money to any body corporate, or to any member, officer, or servant thereof, in consideration of his freedom, or of his or her title to those reserved rights, or there was any condition precedent to any person being entitled to those rights, he or she shall not have any benefit in respect of those rights until he or she has paid that fine, fee, or sum to the treasurer on account of the borough fund, or has fulfilled that condition as far as it is capable of being fulfilled according to the provisions of this Act

207. Nothing in this Act shall strengthen or confirm any claim, right or title of any freeman or of any person to the benefit of any right in this Part reserved, but the same may in every case be brought in question, impeached, and set aside, as if this Act had not been passed *Saving for power to question right.*

208.—(1) Nothing before in this Part contained shall apply to any claim, right or title of a freeman or of any person to any discharge or exemption from any tolls or dues levied wholly or in part by or for the use or benefit of any borough or body corporate *Reservation of beneficial exemptions to freemen and others.*

(2) No person shall have any such discharge or exemption except a person who, on the fifth of June one thousand eight hundred and thirty-five, was an inhabitant, or was admitted or entitled to be admitted a freeman, or was the wife, widow, son, or daughter of a freeman, or was bound an apprentice, and every such person shall be entitled to the same discharge or exemption as if the Municipal Corporations Act, 1835, or this Act, had not been passed.

(3) But nothing in this Act shall affect the right of any person claiming such discharge or exemption otherwise than as inhabitant or freeman, or member of a municipal corporation, or widow or kin of such an inhabitant, freeman, or member.

Freemen.
Reservation of parliamentary franchise, &c.

209.—(1.) Every person who, if the Municipal Corporations Act, 1835, had not been passed, would have enjoyed as a freeman, or might thereafter have acquired, in respect of birth or servitude, as a freeman, the right of voting in a parliamentary election, shall be entitled to enjoy or acquire that right as if that Act or this Act had not been passed.

(2.) No stamp duty shall be chargeable on the admission of any person as a freeman in respect of birth or servitude in a parliamentary borough.

(3.) The town clerk shall do all things appertaining by law to the registration of freemen for parliamentary elections.

PART XI.

GRANT OF CHARTERS.

Grant of Charters.
Power to Crown in granting charter to borough to extend to it the provisions of the Municipal Corporations Acts.

210. If on the petition to the Queen of the inhabitant householders of any town or towns or district in England, or of any of those inhabitants, praying for the grant of a charter of incorporation, Her Majesty, by the advice of Her Privy Council, thinks fit by charter to create such town, towns, or district, or any part thereof specified in the charter, with or without any adjoining place, a municipal borough, and to incorporate the inhabitants thereof, it shall be lawful for Her Majesty by the charter to extend to that municipal borough and the inhabitants thereof so incorporated the provisions of the Municipal Corporation Acts.

Reference to Committee of Council, and notice of petition for charter.

211.—(1.) Every petition for a charter under this Act shall be referred to a Committee of the Lords of Her Majesty's Privy Council (in this Part called the Committee of Council).

(2.) One month at least before the petition is taken into consideration by the Committee of Council, notice thereof and of the time when it will be so taken into consideration shall be published in the London Gazette, and otherwise in such manner as the Committee direct for the purpose of making it known to all persons interested.

Power by charter to settle wards, and by fixing dates and otherwise to adapt the Municipal Corporations Acts to first constitution of new borough.

212.—(1.) Where Her Majesty by a charter extends the Municipal Corporation Acts to a municipal borough it shall be lawful for Her Majesty, by the charter, to do all or any of the following things:

(*a.*) To fix the number of councillors, and to fix the number and boundaries of the wards (if any), and to assign the number of councillors to each ward; and

(*b.*) To fix the years days and times for the retirement of the first aldermen and councillors; and

(*c.*) To fix such days times and places, and nominate such persons to perform such duties, and make such other temporary modifications of the Municipal Corporations Acts, as may appear to Her Majesty to be necessary or proper for making those Acts applicable in the case of the first constitution of a municipal borough.

(2.) The years days times and places fixed by the charter, and the persons nominated therein to perform any duties, shall, as regards the borough named in the charter, be respectively substituted in the Municipal Corporations Acts for the years, days,

times, places, officers, and persons therein mentioned, and the persons so nominated shall have the like powers and be subject to the like obligations and penalties, as the officers and persons mentioned in those Acts for whom they are respectively substituted

Grant of Charters

(3) Subject to the provisions of the charter authorized by this section, the Municipal Corporations Acts shall on the charter coming into effect apply to the municipal borough to which they are extended by the charter, and, where the first mayor aldermen and councillors or any of them are named in the charter, shall apply as if they were elected under the Municipal Corporations Acts, and, where they are not so named, shall apply to their first election

213.—(1) Where a petition for a charter is referred to the Committee of Council, and it is proposed by the charter to extend the Municipal Corporation Acts to the municipal borough to be created by the charter, the Committee of Council may settle a scheme for the adjustment of the powers, rights, privileges, franchises, duties, property, and liabilities of any then existing local authority whose district comprises the whole or part of the area of that borough, either with or without any adjoining or other place, and also of any officer of that authority

Scheme for continuance or abolition of and adjustment of rights of existing local authority and officers

(2) The scheme, so far as it appears to the Committee of Council to be necessary or proper for carrying into effect the said adjustment as regards any local authority existing at the time of the making of the scheme, may contain provisions for the continuance of that authority, or for the abolition total or partial of that authority, or for the creation of another authority or authorities, and the alteration of the district of the existing local authority, and the union or other relation of the existing local authority and the authority or authorities so created, and for the continuance modification, transfer, vesting and extension to the whole of the borough of all or any of the powers, rights, privileges, franchises, duties, property, and liabilities of the existing local authority, and may contain such provisions as appear to the Committee of Council to be necessary or proper for fully carrying into effect any such adjustment and provisions as aforesaid

(3) The scheme, when settled by the Committee of Council, shall be published in the London Gazette, and shall not be of any effect unless confirmed as herein-after mentioned

(4) Where, within one month after the publication of the scheme in the London Gazette, a petition against it by any local authority affected thereby, or by not less than one twentieth of the owners and ratepayers of the borough (such twentieth to be one twentieth in number of the owners and ratepayers of the borough taken together, or the owners and ratepayers in respect of one twentieth of the rateable property in the borough and the owners and ratepayers in all cases to include women not under coverture) has been received by the Committee of Council, and is not withdrawn, the scheme shall require the confirmation of Parliament, and the Committee of Council may, if they think fit, submit it to Parliament for confirmation, but otherwise, at any time after the expiration of the said month, or after the withdrawal of any petition that has been presented, the Committee of Council may, if they think fit, submit

Grant of Charters

the scheme for confirmation, either to Parliament or to Her Majesty in Council, and in the latter case it shall be lawful for Her Majesty to confirm the scheme by Order in Council.

(5) A scheme, when confirmed by Parliament or by Order in Council, shall have full operation, with, in the former case, such modifications, if any, as are made therein by Parliament, as if the scheme were part of this Act.

(6.) A local authority for the purposes of this Part means a sanitary authority, (not being the mayor, aldermen, and burgesses of a borough subject to the Municipal Corporations Acts,) also the corporation of a borough not subject to the Municipal Corporations Acts, a burial board, trustees, commissioners or other persons who, as a public body and not for their own profit, act under any Act for paving, lighting, supplying with water or gas, cleansing, watching, regulating or improving any town or place, or for providing or maintaining a cemetery or market in or for any town or place, and any commissioners, trustees, or other persons (not being justices) maintaining any police force, and any other authority not in this section excepted, and not being a school board, and having powers of local government and of rating for public purposes.

(7.) The district of a local authority for the purposes of this section means the area within which such authority can exercise any powers or rights.

Supplemental provisions as to scheme and charter. 24 & 25 Vict. c. 47.

214.—(1.) A scheme shall, before being settled by the Committee of Council, be referred for consideration to the Secretary of State and the Local Government Board, and, if and as far as it is intended to affect any authority which is a harbour authority within the meaning of the Harbours and Passing Tolls, &c. Act, 1861, to the Board of Trade.

(2) A scheme shall in every case provide for placing the new borough within the jurisdiction of the council as the sanitary authority

(3.) The regulations contained in the Seventh Schedule with respect to the scheme shall be observed.

(4) If the Committee of Council are satisfied that a local authority or other petitioners have properly promoted or properly opposed a scheme before them, and that for special reasons it is right that the reasonable costs incurred by the authority or other petitioners in such promotion or opposition should be paid as expenses properly incurred by the local authority in the execution of their duties, the Committee of Council may order those costs to be so paid, and they shall be paid accordingly.

Provision as to police force in new borough.

215. Nothing in any scheme or in the Municipal Corporation Acts shall authorize the establishment in a borough to which a charter is granted under this Act of a new separate police force not consolidated with the county police force, unless the district incorporated by the charter contained twenty thousand inhabitants or upwards, according to the census taken next before the date of the incorporation

Validity of charters.

216.—(1.) A charter creating a municipal borough which purports to be granted in pursuance of the royal prerogative and in pursuance of or in accordance with this Act, shall after acceptance

be deemed to be valid and within the powers of this Act and Her Majesty's prerogative and shall not be questioned in any legal proceeding whatever. *Grant of Charters.*

(2.) Every such charter shall be laid before both Houses of Parliament within one month after it is granted, if Parliament is then sitting, or if not, within one month after the beginning of the then next sitting of Parliament.

217. Where a charter was granted to a borough within seven years before the fourteenth of August one thousand eight hundred and seventy-seven, the Committee of Council, on the petition to the Queen of the council of the borough, or of any existing local authority whose district comprises the whole or any part of the area of the borough, either with or without any adjoining or other place, may settle a scheme under this Act in like manner as if the petition for the grant of a charter to the borough had been referred to the Committee of Council after the commencement of this Act, and the provisions of this Act with respect to a scheme shall apply accordingly, with the necessary modifications; and if within one month after the publication of the scheme in the London Gazette a petition against the scheme from the council of the borough has been received by the Committee of Council and is not withdrawn the scheme shall require the confirmation of Parliament. Power to settle scheme in case of recent charters.

218.—(1.) Where a scheme for a borough has been confirmed under this Part, or any former enactment, and the municipal corporation of the borough or one-twentieth of the owners and ratepayers of the borough (estimated as in this Part mentioned), or a local authority affected by the scheme, petition the Queen for an amending scheme, the petition shall be referred to a Committee of the Lords of Her Majesty's Privy Council (included in the term the Committee of Council in this Part), and shall be proceeded on, and this Part shall apply thereto, as nearly as may be, as if the same were a petition for a charter extending the Municipal Corporations Acts to a municipal borough to be incorporated. Power to amend scheme.

(2.) The Committee of Council, if they think fit to submit the amending scheme for confirmation, shall submit the same to Parliament, or they may submit the same to Her Majesty in Council, if the original scheme was confirmed by Order in Council; and in the latter case it shall be lawful for Her Majesty to confirm the amending scheme by Order in Council.

(3.) An amending scheme, when confirmed by Parliament, or by Order in Council, as the case may require, shall have full operation, with, in the former case, such modifications, if any, as are made therein by Parliament, as if the amending scheme were part of this Act.

PART XII.

LEGAL PROCEEDINGS.

Legal Proceedings.

219.—(1.) In summary proceedings for offences and fines under this Act the information shall be laid within six months after the commission of the offence. Prosecution of offences and recovery of fines.

Legal Proceedings.

(2.) Any person aggrieved by a conviction of a court of summary jurisdiction under this Act may appeal therefrom to a court of quarter sessions.

(3.) Any fine incurred under this Act and not recoverable summarily may be recovered by action in the High Court.

Exclusion of certiorari.

220. A conviction, order, warrant, or other matter made or done or purporting to be made or done by virtue of this Act shall not be quashed for want of form, and shall not, unless it is an order of the council for payment of money out of the borough fund, be removed by certiorari or otherwise into the High Court.

Application of penalties in quarter sessions boroughs.

221.—(1.) Where by any Act passed or to be passed, any fine, penalty, or forfeiture is made recoverable in a summary manner before any justice or justices and payable to the Crown or to any body corporate, or to any person whomsoever, the same if recovered and adjudged before any justice of a borough having a separate court of quarter sessions shall, notwithstanding anything in the Act under which it is recovered, be recovered for and adjudged to be paid to the treasurer of the borough.

(2.) But this section shall not apply to a fine, penalty, or forfeiture, or part thereof, where the Act under which it is recovered—

(*a.*) Directs payment thereof to the informer or to any person aggrieved; or

(*b.*) If passed since the Municipal Corporations Act, 1835, directs that the same shall go in any other manner and not to the borough fund; or

(*c.*) Relates to the customs, excise, or post office, or to trade or navigation, or to any branch of the revenue of the Crown.

Duties of clerk of peace as to fines and forfeitures.

222. Where the offices of town clerk and clerk of the peace for a borough are not held by the same person, the clerk of the peace shall perform all duties imposed on the town clerk by the Act of the third year of King George the Fourth, chapter forty-six, "for "the more speedy return and levying of fines, penalties, and "forfeitures, and recognizances estreated;" and the clerk of the peace shall make all returns, issue all processes, and do all other acts required by that Act to be made, issued, and done by the town clerk.

Service of summons or warrant.

223. Any summons for appearance, warrant to enforce appearance, warrant for apprehension, or search warrant, may, if issued by a justice for a borough, be served or executed in any county wherein the borough or any part thereof is situate, or within any distance not exceeding seven miles from the borough, and, within those limits, shall have the same effect as if it had been issued or indorsed by a justice having jurisdiction in the place where it is served or executed, and may be served or executed by the constable or special constable to whom it is directed.

Procedure in penal actions against corporate officers.

224.—(1.) An action to recover a fine from any person for acting in a corporate office without having made the requisite declaration, or without being qualified, or after ceasing to be qualified, or after becoming disqualified, may not be brought except by a burgess of the borough, and shall not lie unless the plaintiff

has, within fourteen days after the cause of action arose, served a notice in writing personally on the person liable to the fine of his intention to bring the action, nor unless the action is commenced within three months after the cause of action arose.

Legal Proceedings.

(2.) The court or a judge shall, on the application of the defendant within fourteen days after he has been served with writ of summons in the action, require the plaintiff to give security for costs.

(3.) Unless judgment is given for the plaintiff, the defendant shall be entitled to costs, to be taxed as between solicitor and client.

(4.) Where any such action is brought against a person on the ground of his not being qualified in respect of estate, it shall lie on him to prove that he was so qualified.

(5.) A moiety of the fine recovered shall, after payment of the costs of action, be paid to the plaintiff.

Quo warranto and mandamus.

225.—(1.) An application for an information in the nature of a quo warranto against any person claiming to hold a corporate office shall not be made after the expiration of twelve months from the time when he became disqualified after election.

(2.) In the case of such an application, or of an application for a mandamus to proceed to an election of a corporate officer, the applicant shall give notice in writing of the application to the person to be affected thereby (in this section called the respondent) at any time not less than ten days before the day in the notice specified for making the application.

(3.) The notice shall set forth the name and description of the applicant, and a statement of the grounds of the application.

(4.) The applicant shall deliver with the notice a copy of the affidavits whereby the application will be supported.

(5.) The respondent may show cause in the first instance against the application.

(6.) If sufficient cause is not shown, the court, on proof of due service of the notice, statement, and copy of affidavits used in support of the application, may, if it thinks fit, make the rule for the information or mandamus absolute.

(7.) The court may, if it thinks fit, direct that any issue of fact on an information be tried by jury in London or at Westminster.

(8.) The court may, if it thinks fit, direct that any writ of mandamus issued shall be peremptory in the first instance.

Provisions for protection of persons acting under Act.

226.—(1.) An action, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, shall not lie or be instituted unless it is commenced within six months next after the act or thing is done or omitted, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof.

(2.) Where the action is for damages, tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after the tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not

Legal Proceedings.

recover more than the sum tendered or paid, he shall not recover any costs incurred after the tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of the tender or payment; but this provision shall not affect costs on any injunction in the action.

(3.) Subject and without prejudice to any other powers, the council, where the defendant in any such action, prosecution, or other proceeding is their officer, agent, or servant, may, if they think fit, except so far as the court before which the action, prosecution, or other proceeding is heard and determined otherwise directs, pay out of the borough fund or borough rate all or any part of any sums payable by the defendant in or in consequence of the action, prosecution, or proceeding, whether in respect of costs, charges, expenses, damages, fine, or otherwise.

Power for borough constables to take bail.

227.—(1.) Where a person charged with a petty misdemeanour is brought without the warrant of a justice into the custody of a borough constable during his attendance at a watch-house in the borough, at any time (by day or night) at which a justice is not actually sitting for the public administration of justice at the justices' room, or town hall, or other place used for that purpose in the borough, the constable may, if he thinks fit, take bail without fee from that person, by recognisance conditioned for his appearance for examination within two days before a justice in the borough at some time and place therein specified.

(2.) A recognisance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if taken before a justice.

(3.) The constable shall enter in a book, kept for that purpose in every watch-house, the name, residence, and occupation of the person entering into the recognisance, and of his surety, or sureties, if any, with the condition of the recognisance, and the sums acknowledged.

(4.) The constable shall lay the book before the justice present at the time when and place where the recognisor is required to appear.

(5.) If the recognisor does not appear at the time and place required, or within one hour after, the justice shall cause a record of the recognisance to be drawn up and signed by the constable, and shall return the same to the next court of quarter sessions for the borough, or, if the borough has no separate court of quarter sessions, for the county in which the borough is situate, with a certificate at the back thereof, signed by the justice, that the recognisor has not complied with the obligation therein contained.

(6.) The clerk of the peace shall make the like estreats and schedules of every such recognisance as of recognisances forfeited in quarter sessions.

(7.) If the recognisor applies by any person on his behalf to postpone the hearing of the charge against him, and the justice thinks fit to consent thereto, the justice may enlarge the recognisance to such further time as he appoints.

(8.) When the matter is heard and determined, either by the dismissal of the charge, or by binding over the recognisor to answer

the matter of the complaint at quarter sessions, or otherwise, the recognisance for his appearance before a justice shall be discharged without fee.

Legal Proceedings.

PART XIII.

GENERAL.

Boundaries.

Boundaries.

Boundaries of boroughs and transfer of parts to counties.

228.—(1.) Every place at the commencement of this Act included within each borough then existing, and no other place, shall be part of the borough, and in each borough then existing which is a county of itself, shall be part of that county and of no other, as if this Act had not been passed.

(2.) Where under the Municipal Corporations Act, 1835, or any Act amending it, any such county or borough does not, at the commencement of this Act, include a place which, before the passing of the Municipal Corporations Act, 1835, was part thereof, that place shall continue to be part of the county wherein it is situate, or with which it has the longest common boundary, as if this Act had not been passed.

(3.) But nothing in this Act shall prevent any gaol, house of correction, lunatic asylum, court of justice, or judges' lodging, which at the passing of the Municipal Corporations Act, 1835, was, and at the commencement of this Act is, taken to be, for any purpose, in any county, from being still, for that purpose, taken to be in that county, as if this Act had not been passed.

(4.) Any gaol, court, depôt for arms, and any land thereto belonging, which at the commencement of this Act is parcel of a county shall continue to be parcel of the county, and under the exclusive jurisdiction of the authorities of the county, as if this Act had not been passed.

(5.) Nothing in this Act shall be construed to affect the assessments of the land tax or assessed taxes, as those assessments exist at the commencement of this Act, or to extend or diminish the jurisdiction of any commissioners of those taxes, as such commissioners then exist; but all lands, and all parishes, parts of parishes, and places shall continue to be charged as at the commencement of this Act towards the land tax charged on the county or other district whereof at the commencement of this Act they are part, and to be subject in that behalf to the jurisdiction of the commissioners of the same county or other district, as if this Act had not been passed.

Adjustment between boroughs and counties on change of boundaries.

229. If any place, which under the Municipal Corporations Act, 1835, or any Act amending it, ceased to be included in a borough or county of a town or city, was before the passing of the Municipal Corporations Act, 1835, liable to contribute to any rate for satisfying any lawful debt to which the ratepayers of that borough or county were then liable, and if after the commencement of this Act any difference arises concerning the proportion of that debt to be contributed in respect of that place, the Secretary of State, on the application of the council, or of the chairman of a public meeting of the ratepayers of the place, may appoint by writing under his hand a barrister not having any interest in the question to arbitrate

Boundaries. between the parties, and by his award under his hand and seal to assess the proportion aforesaid, if any; and the arbitrator shall assess the costs of the arbitration, and direct by whom and in what proportion and out of what fund they shall be paid; and the rate aforesaid shall continue to be levied by warrant of the council and to be paid by the place aforesaid to the treasurer of the borough, as if the Municipal Corporations Act, 1835, or any Act amending it, or this Act, had not been passed, until the proportion aforesaid is satisfied, and no longer.

Time

Time.

Computation of time.

230.—(1.) Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at the latest on the last day of the limited time as so computed, unless the last day is a Sunday, Christmas Day, Good Friday, or Monday or Tuesday in Easter week, or a day appointed for public fast, humiliation, or thanksgiving, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

(2.) Where by this Act any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day happens to be one of the days in this section specified, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

(3.) Where by this Act any act or proceeding is directed or allowed to be done or taken within any time not exceeding seven days, the days in this section specified shall not be reckoned in the computation of such time.

Distance.

Distance.

Measurement of distances.

231. The distances mentioned in this Act shall be measured in a straight line on a horizontal plane, and may be determined by the map made under the survey commonly known as the Ordnance Survey.

Notices.

Notices.

Notices on town hall

232. Any notice or other document required by this Act to be fixed on the town hall shall be fixed in some conspicuous place on or near the outer door of the town hall, or, if there is no town hall, in some conspicuous place in the borough or ward to which the notice or document relates.

Inspection and Copies

Inspection and Copies.

Inspection of documents

233.—(1.) The minutes of proceedings of the council shall be open to the inspection of a burgess on payment of a fee of one shilling, and a burgess may make a copy thereof or take an extract therefrom.

Inspection and Copies.

(2.) A burgess may make a copy of or take an extract from an order of the council for the payment of money.

(3.) The treasurer's accounts shall be open to the inspection of the council, and a member of the council may make a copy thereof or take an extract therefrom.

(4.) The abstract of the treasurer's accounts shall be open to the inspection of all the ratepayers of the borough, and copies thereof shall be delivered to a ratepayer on payment of a reasonable price for each copy.

(5.) The Freemen's Roll shall be open to public inspection, and the town clerk shall deliver copies thereof to any person on payment of a reasonable price for each copy.

(6.) A document directed by this Act to be open to inspection shall be so open at any reasonable time during the ordinary hours of business, and without payment, unless it is otherwise expressed.

(7.) If a person having the custody of any document in this section mentioned,—

(*a.*) Obstructs any person authorized to inspect the same in making such inspection thereof as in this section mentioned; or

(*b.*) Refuses to give copies or extracts to any person entitled to obtain the same under this section;

he shall, on summary conviction, be liable to a fine not exceeding five pounds.

Fees.

Fees.

234. The town clerk of every borough shall cause a true copy of the tables of fees for the time being authorized to be taken by the clerk of the peace (if any) for the borough, by the clerk to the justices (if any) for the borough, and by the registrar and officers of the borough civil court (if any), to be posted conspicuously in the following places:

Tables of fees to be posted.

(*a.*) The room where the business of the town clerk's office is transacted;

(*b.*) The room, if any, where the justices of the borough sit for transacting their business;

(*c.*) The room, if any, where the court of quarter sessions of the borough is held; and

(*d.*) The room, if any, where the borough civil court is held.

Seals and Signatures.

Seals and Signatures.

235. If any person forges the seal or signature affixed or subscribed to a byelaw made under this Act, or the signature subscribed to any minute of proceedings of the council, or tenders in evidence any such document with a false or counterfeit seal or signature, knowing it to be false or counterfeit, he shall be liable to imprisonment with hard labour for any term not exceeding two years.

Forgery.

Applications to Treasury.

Applications to Treasury.

236.—(1.) Where the council intend to apply to the Treasury for their approval of any sale, loan, or other financial arrangement under this Act notice of the intention to make the application shall be fixed

Notice of application to and correspondence with Treasury.

Applications to Treasury.

on the town hall one month at least before the application, and a copy of the intended application shall during that month be kept in the town clerk's office, and be open to public inspection.

(2.) If the Treasury either refuse their approval or grant it conditionally or under qualifications, notice of the correspondence between the Treasury and the council shall forthwith and during one month be fixed on the town hall, and a copy of the correspondence shall during that month be kept in the town clerk's office, and be open to public inspection.

Deputy.

Acts of deputy not to be invalidated by defect in appointment.

Deputy.

237. No defect in the appointment of a deputy under this Act shall invalidate his acts.

Overseers.

Notices to and acting of overseers.

Overseers.

238.—(1.) Every matter by the Municipal Corporations Acts directed to be done by overseers may be lawfully done by the major part of them.

(2.) Any notice by the Municipal Corporations Acts required to be given to overseers may be delivered to any one of them, or left at his place of abode, or at his office for transacting parochial business.

Declarations and Oaths.

Power to administer oaths, &c.

Declarations and Oaths.

239.—(1.) Where by or under this Act a declaration or oath is required to be made or taken by the holder of a corporate office or other person before the council or any members thereof, or any other persons, they shall have authority to receive and administer the same without any commission or authority other than this Act.

(2.) Nothing in this Act in any case shall require or authorise the taking or making of any oath or declaration that would not have been required or authorised under the Promissory Oaths Act, 1868, or otherwise by law, if this Act had not been passed, or interfere with the operation of the Promissory Oaths Act, 1868.

31 & 32 Vict. c. 72.

Forms.

Forms in schedule.

Forms.

240. The forms in the Eighth Schedule or forms to the like effect, varied as circumstances require, may be used, and shall be sufficient in law.

Misnomer or Inaccurate Description.

Misnomer or inaccurate description not to hinder.

Misnomer or Inaccurate Description.

241. No misnomer or inaccurate description of any person, body corporate, or place named in any schedule to the Municipal Corporations Act, 1835, or in any roll, list, notice, or voting paper required by this Act, shall hinder the full operation of this Act with respect to that person, body corporate, or place, provided the description of that person, body corporate, or place be such as to be commonly understood.

Substitution in former Acts.

Provision for references in unrepealed enactments to 5 & 6 Will. 4. c. 76, &c.

Substitution in former Acts.

242.—(1.) In the several enactments described in Part I. of the Ninth Schedule, a reference to this Act shall be deemed to be substituted for a reference to the Municipal Corporations Act, 1835, and any Act amending it.

(2) In each of the enactments described in Part II of the Ninth Schedule, there shall be substituted for the respective provision of the Municipal Corporations Act, 1835, in that part mentioned in connexion therewith such provision of this Act as is also mentioned in connexion therewith

Substitution in former Acts

(3) Where any Act passed before this Act, and not specified in the First or in the Ninth Schedule, refers to the Municipal Corporations Act, 1835, or any Act amending it, or to boroughs or corporations subject to that Act or any Act amending it, the reference shall be deemed to be to this Act or to the corresponding provision of this Act, or to boroughs or corporations subject to this Act (as the case may require)

(4) All enactments to which this section relates shall, except as in this section provided, continue to operate as if this Act had not been passed

243. Such of the Acts specified in the First Schedule as will remain in force to any extent after the commencement of this Act may continue to be cited by the short titles in that schedule mentioned

Short titles of Acts partly repealed

Returning Officers at Parliamentary Elections

244.—(1) In boroughs, other than cities and towns being counties of themselves, the mayor shall be the returning officer at parliamentary elections, but this provision shall not extend to the borough of Berwick-upon-Tweed

Mayor of certain boroughs to be returning officer in parliamentary elections

(2) If there are more mayors than one within the boundaries of a parliamentary borough, the mayor of that borough to which the writ of election is directed shall be the returning officer

(3) If when a mayor is required to act as returning officer the mayor is absent, or incapable of acting, or there is no mayor, the council shall forthwith choose an alderman to be returning officer.

Disfranchised Parliamentary Boroughs

245. Where a borough has, in pursuance of the Representation of the People Act, 1867, or of any Act passed in the session of the thirty-first and thirty-second years of the reign of Her Majesty, ceased to return a member to serve in Parliament, and the persons entitled to vote for the member or members formerly returned by the borough were by law electors for any other purpose, the burgesses of the borough shall be electors for that purpose and shall in all respects, as regards that purpose, be substituted for the persons so entitled to vote.

Electors in disfranchised boroughs 30 & 31 Vict c 102

Licensing

246. In the Act of the ninth year of the reign of King George the Fourth, chapter sixty-one, "to regulate the granting of licenses "to keepers of inns, ale houses, and victualling houses in England," the expressions "town corporate," "county or place," and "division or place," include every borough having a separate commission of the peace, and the expression "high constable" includes any constable of any such borough to whom the justices of the borough direct their precept under that Act

Licensing

Explanation of terms "town corporate," &c in Licensing Act

Freedom of Trading.

Freedom of Trading.

Right of free trading in boroughs.

247. Notwithstanding any custom or byelaw, every person in any borough may keep any shop for the sale of all lawful wares and merchandises by wholesale or retail, and use every lawful trade, occupation, mystery, and handicraft for hire, gain, sale, or otherwise within any borough.

Cinque Ports.

Cinque Ports.

Special provisions as to certain of the Cinque Ports.

248.—(1.) The boroughs of Hastings, Sandwich, Dover, Hythe, being four of the Cinque Ports, and the borough of Rye, are in this section referred to as the five boroughs.

(2.) The jurisdiction, powers, and authorities of the court of quarter sessions, recorder, coroner, and clerk of the peace for each of the five boroughs shall extend to the non-corporate members and liberties thereof, and to such corporate members thereof as have not a separate court of quarter sessions.

(3.) The jurisdiction, powers, and authorities of the persons constituted justices within and throughout the liberties of the Cinque Ports by virtue of their commission, shall extend to all places being within the limits of the five boroughs or of their members or liberties, corporate or non-corporate, and not being within the limits of a borough having a separate commission of the peace.

(4.) The justices for the five boroughs respectively shall have all the jurisdiction, powers, and authorities of justices for a county relating to the granting of licences or authorities to persons to keep inns, ale houses, or victualling houses, or to sell exciseable liquors by retail within any of the corporate or non-corporate members or liberties of the five boroughs respectively, not being within the limits of a borough having a separate commission of the peace.

(5.) The non-corporate members and liberties of the five boroughs and such corporate members thereof as have not a separate court of quarter sessions shall be charged by the respective courts of quarter sessions of the five boroughs, with a due proportion of all those expenses of the five boroughs, to the payment whereof rates in the nature of county rates are applicable; and such rates may be assessed and levied in the manner in which rates of that description were assessed and levied before the passing of the Municipal Corporations Act, 1835, under any enactment then in force, but subject to the operation of any subsequent enactment affecting the same.

(6.) A due proportion of inhabitant householders to serve as grand jurors and jurors at the respective courts of quarter sessions of the five boroughs shall be summoned by the clerks of the peace thereof from the non-corporate members and liberties thereof, and such corporate members thereof as have not a separate court of quarter sessions; and the attendance of such jurors shall be enforced, and their defaults punished, in the manner by this Act directed with respect to jurors in boroughs.

32 & 33 Vict. c. 53.

(7.) Nothing in this section shall affect the Cinque Ports Act, 1869, or the Acts therein recited.

Cambridge.

Cambridge.

Vice-Chancellor of Cambridge.

249.—(1.) It shall be lawful for the Queen, from time to time, by her commission of the peace for the borough of Cambridge, to constitute the Vice-Chancellor for the time being of the University of Cambridge a justice for that borough.

(2.) He shall not, by reason of being so constituted, have any greater authority as to the grant of licences to ale houses than any other justice named in the commission.

(3.) But nothing in this section shall affect the rights and privileges which the Vice-Chancellor lawfully has or enjoys, or might have lawfully had or enjoyed if he were not so constituted a justice.

Savings.

Savings.

Saving for existing corporations.

250.—(1.) Nothing in this Act shall prejudicially affect any charter granted before the commencement of this Act, or take away, abridge, or prejudicially affect any of the rights, powers, privileges, estates, property, duties, liabilities, or obligations vested in or imposed on any municipal corporation existing at the commencement of this Act, or in or on the mayor, or the council of a borough then existing, or any members or committee of the council, by the incorporation of the inhabitants of the borough, or by transfer from any other authority, or otherwise; but every such charter shall continue to operate, and every such corporation shall continue to have perpetual succession and a common seal, and to be capable in law by the council to do and suffer all acts which at the commencement of this Act they and their successors respectively may lawfully do or suffer, and the corporation and all members and officers thereof and their sureties, and every such mayor, and every such council and committee, and every such officer, shall continue to have, enjoy, and be subject to the like rights, powers, offices, privileges, estates, property, duties, liabilities, and obligations, as if this Act had not been passed, without prejudice, nevertheless, to the operation of the repeal of enactments by this Act, and to the other express provisions of this Act.

(2.) Nothing in this Act shall alter the boundaries of any borough existing at the commencement of this Act, or the number, apportionment, or qualification of the aldermen or councillors thereof, or the division thereof into wards.

(3.) Nothing in this Act shall affect the right of the council of a borough to collect by their own officers the borough rate and watch rate, or either of them, where, at the commencement of this Act, they are authorised by law to so collect, and are so collecting, the same.

(4.) Nothing in this Act shall alter the respective jurisdiction of county and borough justices.

(5.) Nothing in this Act shall affect the right of any borough named in Schedule (A.) to the Municipal Corporations Act, 1835, to have a separate commission of the peace.

Saving for local Acts.

251. Nothing in this Act shall alter the effect of any local Act of Parliament.

Saving for Prison Acts. 28 & 29 Vict. c. 126.

252. Nothing in this Act, except the provision referring to the Ninth Schedule, shall affect the Prison Act, 1865, or the Prison Act, 1877, and nothing in this Act shall affect the Act of the session of

Savings.
40 & 41 Vict. c. 21.
13 & 14 Vict. c. 91.

the fifth and sixth years of Her Majesty, chapter ninety-eight, "to amend the laws concerning prisons," or revive or restore any enactment which, being contained in that Act, or in the Municipal Corporation (Justices) Act, 1850, or in any other Act, is virtually repealed or superseded by the Prison Act, 1865, or the Prison Act, 1877.

Saving for military and naval officers, &c.

253. Nothing in this Act shall compel the acceptance of any office or duty whatever in any borough by any military, naval, or marine officer in Her Majesty's service on full pay or half pay, or by any officer or other person employed and residing in any of Her Majesty's dockyards, victualling establishments, arsenals, barracks, or other naval or military establishments.

Saving for dockyards, barracks, &c.

254. Nothing in this Act shall affect the watching, paving, or lighting, or the internal regulations for the government, of any of Her Majesty's dockyards, victualling establishments, arsenals, barracks, or other naval or military establishments, or make the tenements therein or the inhabitants thereof liable to any rate for watching, paving, or lighting.

Saving as to Admiralty.

255. Nothing in this Act shall affect the authority of justices vested in the Commissioners for executing the office of Lord High Admiral of the United Kingdom, or any authority to appoint coroners to act within the jurisdiction of the Admiralty.

Saving for Lord Warden.

256. Nothing in this Act shall affect the jurisdiction and office of the Lord Warden in his office of Admiral of the Cinque Ports.

Saving for universities.

257. Nothing in this Act shall—

(1.) Affect the rights, privileges, duties, or liabilities of the chancellor, masters, and scholars of the Universities of Oxford and Cambridge respectively, as by law possessed under the respective charters of those universities or otherwise; or

(2.) Entitle the mayors of Oxford and Cambridge respectively to any precedence over the vice-chancellors of those universities respectively; or

(3.) Entitle any person to be enrolled a citizen of the city of Oxford or burgess of the borough of Cambridge by reason of his occupation of any rooms, chambers, or premises in any college or hall of either of those universities; or

(4.) Compel any resident member of either of those universities to accept any office in or under the municipal corporation of Oxford or of Cambridge; or

(5.) Authorize the levy of any rate within the precincts of those universities, or of any of the colleges or halls thereof, which now by law cannot be levied therein, or make either of those universities, or the members thereof, liable to any rate to which they are not liable to contribute at the commencement of this Act; or

(6.) Authorize the transfer of any rights or liabilities by a local authority to the municipal corporation of the borough of Cambridge without the consent of the chancellor, master, and scholars of the University of Cambridge: or

(7.) Affect the rights or privileges granted by charter or Act of Parliament to the University of Durham.

Savings.

Saving for jurisdiction over cathedral precincts.

258. Nothing in this Act shall prevent any jurisdiction or authority exercised in or over the precinct or close of any cathedral from being continued concurrently with the jurisdiction and authority of the justices of the borough in which the precinct or close is situate.

Saving for royal prerogative.

259. Nothing in this Act shall prejudicially affect Her Majesty's royal prerogative; and the enabling provisions of this Act shall be deemed to be in addition to, and not in derogation of, the powers exerciseable by Her Majesty by virtue of her royal prerogative.

Saving as to repealed enactments.

260.—(1.) The repeal effected by this Act shall not affect—

(*a.*) Anything done or suffered before the commencement of this Act under any enactment repealed by this Act; or

(*b.*) Any proceeding or thing pending or in course of being done at the commencement of this Act under any enactment repealed by this Act; or

(*c.*) Any jurisdiction or practice established, confirmed, or transferred, or right or privilege acquired or confirmed, or duty or liability imposed or incurred, or compensation secured, by or under any enactment repealed by this Act; or

(*d.*) Any disability or disqualification existing at the commencement of this Act under any enactment repealed by this Act; or

(*e.*) Any fine, forfeiture, punishment, or other consequence incurred or to be incurred in respect of any offence committed before the commencement of this Act against any enactment repealed by this Act; or

(*f.*) The institution or the prosecution to its termination of any legal proceeding or other remedy for ascertaining, enforcing, or recovering any such jurisdiction, practice, right, privilege, duty, liability, compensation, disability, disqualification, fine, forfeiture, punishment, or consequence as aforesaid; or

(*g.*) The terms on which any money has been borrowed before the commencement of this Act under any enactment repealed by this Act.

(2.) The repeal effected by this Act shall not extend to Scotland or Ireland, and shall not, as regards the enactments described in Part II. of the First Schedule, operate in respect of any place other than a borough to which this Act applies, and shall not revive or restore any statute, law, usage, custom, royal or other charter, grant, letters patent, byelaw, jurisdiction, office, right, title, claim, privilege, liability, disqualification, exemption, restriction, practice, procedure, or other matter or thing abolished by the Municipal Corporations Act, 1835, or not in force or existing at the commencement of this Act, or otherwise affect the past operation of any enactment repealed by this Act.

(3.) All elections, declarations, appointments, byelaws, rates, tables of fees, and regulations made, or pending, or in the course of being made, and all other things done, or pending, or in the course of being done, under the Municipal Corporations Act, 1835, or any other enactment repealed by this Act, before or at the commencement of this Act, shall for the purposes of this Act be of the like effect as if they had been made or done, or were pending, or in the

Savings. course of being made or done under this Act, and shall, as far as may be requisite for the continuance, validity, and effect thereof, be deemed to have been made or done, or may be carried on and be made or done, as the case may require, under this Act.

SCHEDULES.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

PART I.

Enactments repealed generally.

5 & 6 Will. 4. c. 76. -	The Municipal Corporations Act, 1835.
6 & 7 Will. 4. c. 77. - in part.	An Act for carrying into effect the reports of the Commissioners appointed to consider the state of the Established Church in England and Wales, with reference to ecclesiastical duties and revenues, so far as they relate to episcopal dioceses, revenues, and patronage; in part, namely,— section twenty-six.
6 & 7 Will. 4. c. 103. in part.	The Municipal Corporation (Boundaries) Act, 1836; except section six (Berwick).
6 & 7 Will. 4. c. 104.	The Municipal Corporation (Borough Fund) Act, 1836.
6 & 7 Will. 4. c. 105.	The Municipal Corporation (Justices, &c.) Act, 1836.
7 Will. 4. & 1 Vict. c. 78.	The Municipal Corporation (General) Act, 1837.
7 Will. 4. & 1 Vict. c. 81.	The Municipal Corporation (Watch Rate) Act, 1837.
1 & 2 Vict. c. 31. -	The Municipal Corporation (Benefices) Act, 1838.
1 & 2 Vict. c. 35. -	An Act to repeal the stamp duty now paid on admission to the freedom of corporations in England.
2 & 3 Vict. c. 27. -	The Municipal Corporation (Borough Courts) Act, 1839.
2 & 3 Vict. c. 28. -	The Municipal Corporation (Watch Rate) Act, 1839.
3 & 4 Vict. c. 28. -	The Municipal Corporation (Watch Rate) Act, 1840.
4 & 5 Vict. c. 48. -	An Act to render certain municipal corporations rateable to the relief of the poor in certain cases.
6 & 7 Vict. c. 89. -	The Municipal Corporation Act, 1843.
8 & 9 Vict. c. 110. -	The Municipal Corporation (Rates) Act, 1845.
11 & 12 Vict. c. 93. -	An Act to confirm the incorporation of certain boroughs.
12 & 13 Vict. c. 65. -	An Act to provide a more convenient mode of levying and collecting county rates, county police rates, and district police rates, in parishes situated partly within and partly without the limits of boroughs which are not liable to such rates.
12 & 13 Vict. c. 82. in part.	An Act to relieve boroughs in certain cases from contribution to certain descriptions of county expenditure; in part, namely,— section one.
13 & 14 Vict. c. 42. -	The Municipal Corporation (Incorporation) Act, 1850.
13 & 14 Vict. c. 64. -	The Municipal Corporation (Bridges) Act, 1850.
13 & 14 Vict. c. 91. - in part.	The Municipal Corporation (Justices) Act, 1850; in part, namely,— section nine.
13 & 14 Vict. c. 101. in part.	An Act to continue two Acts passed in the twelfth and thirteenth years of the reign of Her Majesty, for charging the maintenance of certain poor persons in unions in England and Wales upon the common fund; and to make certain amendments in the laws for the relief of the poor; in part, namely,— section ten.
15 & 16 Vict. c. 81. - in part.	An Act to consolidate and amend the statutes relating to the assessment and collection of county rates in England and Wales; in part, namely,— section thirty-eight.

16 & 17 Vict. c. 79. -	The Municipal Corporation Act, 1853.
16 & 17 Vict. c. 137.	The Charitable Trusts Act, 1853; in part, namely,— section sixty-five.
20 & 21 Vict. c. 50. -	The Municipal Corporation Act, 1857.
21 & 22 Vict. c. 43. -	An Act to amend the municipal franchise in certain cases.
22 Vict. c. 35. -	The Municipal Corporation Act, 1859.
22 & 23 Vict. c. 32. - in part.	An Act to amend the law concerning the police in counties and boroughs in England and Wales; in part, namely,— sections five and six.
24 & 25 Vict. c. 75. -	The Municipal Corporations Acts Amendment Act, 1861.
31 & 32 Vict. c. 41. -	The Borough Electors Act, 1868.
32 & 33 Vict. c. 23. -	The Municipal Corporation (Recorders) Act, 1869.
32 & 33 Vict. c. 55. -	The Municipal Corporation (Election) Act, 1869.
32 & 33 Vict. c. 62. - in part.	The Debtors Act, 1869; in part, namely,— section twenty-one.
34 & 35 Vict. c. 67. -	The Municipal Corporations Act, 1859, Amendment Act.
35 & 36 Vict. c. 33. - in part.	The Ballot Act, 1872; in part, namely,— sections twenty and twenty-one.
35 & 36 Vict. c. 60. -	The Corrupt Practices (Municipal Elections) Act, 1872.
36 & 37 Vict. c. 33. -	The Municipal Corporations Evidence Act, 1873.
37 & 38 Vict. c. 59. -	The Working Men's Dwellings Act, 1874.
38 & 39 Vict. c. 40. -	The Municipal Elections Act, 1875.
39 & 40 Vict. c. 61. - in part.	The Divided Parishes and Poor Law Amendment Act, 1876; in part, namely,— section thirty.
40 & 41 Vict. c. 69. -	The Municipal Corporations (New Charters) Act, 1877.
41 & 42 Vict. c. 26. - in part.	The Parliamentary and Municipal Registration Act, 1878; in part, namely,— sections twenty, thirty-four, and forty-one.

PART II.

Enactments repealed only as to Boroughs within this Act.

3 Edw. 1. c. 6. in part.	The Statutes of Westminster, the first. Amerciaments shall be reasonable; in part, namely,— as far as it relates to a city, borough, or town.
3 Edw. 1. c. 31. in part.	The Statutes of Westminster, the first. Excessive toll in market town. Murage; in part, namely,— from "Touching citizens" to "the King," inclusive.
15 Rich. 2. c. 5. in part.	St. 7 Edw. I. de Religiosis. Converting land to a churchyard declared to be within that statute. Mortmain, where any is seised of lands to the use of spiritual persons. Mortmain to purchase lands to gilds, fraternities, offices, commonalties; or to their use; in part, namely,— as far as it relates to mayors, bailiffs, and commons of cities, boroughs, and other towns which have a perpetual commonalty.
2 & 3 Phil. & Mary c. 18.	An Act touching commissions of the peace and gaol delivery in towns corporate not being counties in themselves.
7 Jas. 1. c. 5. in part.	An Acte for ease in pleading against troublesome and contencious suites presented against justices of the peace, maiors, constables, and certaine other His Majesties officers for the lawful execution of their office; in part, namely,— as far as it relates to mayors of cities or towns corporate.
21 Jas. 1. c. 12. in part.	An Acte for ease in pleading against troublesome and contencious suites; in part, namely,— section three, as far as it relates to mayors of cities or towns corporate.

11 Geo. 1. c. 4. -	An Act for preventing the inconvenience arising from want of elections of mayors or other chief magistrates of boroughs or corporations being made upon days appointed by charter or usage for that purpose, and directing in what manner such elections shall be afterwards made.
12 Geo. 3. c. 21. -	An Act for giving relief in proceedings upon writs of mandamus for the admission of freemen into corporations and for other purposes therein mentioned.
32 Geo. 3. c. 58. -	An Act for the amendment of the law in proceedings upon information in nature of quo warranto.
55 Geo. 3. c. 51. -	An Act to amend an Act of His late Majesty King George the Second, for the more easy assessing, collecting, and levying of county rates.
57 Geo. 3. c. 91. -	An Act to enable justices of the peace to settle the fees to be taken by clerks of the peace of the respective counties and other divisions of England and Wales.
2 & 3 Will. 4. c. 69. -	An Act to prevent the application of corporate property to the purposes of election of members to serve in Parliament.
3 & 4 Will. 4. c. 31. -	An Act to enable the election of officers of corporations and other public companies now required to be held on the Lord's Day to be held on the Saturday next preceding or on the Monday next ensuing.
4 & 5 Will. 4. c. 27. -	An Act for the better administration of justice in certain boroughs and franchises.
7 Will. 4. & 1 Vict. c. 19.	An Act to empower the recorder or other person presiding at quarter sessions in corporate cities and towns, and justices of the peace for counties, ridings, or divisions, to divide their respective courts in certain cases.
5 & 6 Vict. c. 104. -	The Municipal Corporation Act, 1842.
15 & 16 Vict. c. 5. -	The Municipal Corporation Act, 1852.
23 & 24 Vict. c. 16. -	The Municipal Corporation (Mortgages, &c.) Act, 1860.
23 & 24 Vict. c. 51. - in part.	The Local Taxation Returns Act, 1860; in part, namely,— so far as it relates to the receipts and expenditure of a municipal corporation.
23 & 24 Vict. c. 106. in part.	The Lands Clauses Consolidation Acts Amendment Act, 1860; in part, namely,— section six.
38 & 39 Vict. c. 89. - in part.	The Public Works Loans Act, 1875; in part, namely,— in section forty, the second paragraph (beginning "The council" and ending "this Act") and the words "and the council respectively" in the last paragraph.
39 & 40 Vict. c. 20. - in part.	The Statute Law Revision Act (Substituted Enactments) Act, 1876; in part, namely,— section three.
40 & 41 Vict. c. 17. -	An Act to amend the law relating to the division of courts of quarter sessions in boroughs.
40 & 41 Vict. c. 66. - in part.	The Local Taxation Returns Act, 1877; in part, namely,— so far as it relates to the receipts and expenditure of a municipal corporation.
42 & 43 Vict. c. 30. - in part.	The Sale of Food and Drugs Act, Amendment Act, 1879; in part, namely,— section eight.
43 Vict. c. 17. -	The Town Councils and Local Boards Act, 1880.

THE SECOND SCHEDULE.

MEETINGS AND PROCEEDINGS OF COUNCIL.

1. The council shall hold four quarterly meetings in every year for the transaction of general business.

2. The quarterly meetings shall be held at noon on each ninth of November, and at such hour on such other three days before the first of November then next following as

the council at the quarterly meeting in November decide or afterwards from time to time by standing order determine.

3. The mayor may at any time call a meeting of the council.

4. If the mayor refuses to call a meeting after a requisition for that purpose, signed by five members of the council, has been presented to him, any five members of the council may forthwith, on that refusal, call a meeting. If the mayor (without so refusing) does not within seven days after such presentation call a meeting, any five members of the council may, on the expiration of those seven days, call a meeting.

5. Three clear days at least before any meeting of the council, notice of the time and place of the intended meeting, signed by the mayor, or if the meeting is called by members of the council, by those members, shall be fixed on the town hall. Where the meeting is called by members of the council, the notice shall specify the business proposed to be transacted thereat.

6. Three clear days at least before any meeting of the council, a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the town clerk, shall be left or delivered by post in a registered letter at the usual place of abode of every member of the council, three clear days at least before the meeting.

7. Want of service of the summons on any member of the council shall not affect the validity of a meeting.

8. No business shall be transacted at a meeting other than that specified in the summons relating thereto, except in case of a quarterly meeting, business prescribed by this Act to be transacted thereat.

9. At every meeting of the council, the mayor, if present, shall be chairman. If the mayor is absent, then the deputy mayor, if chosen for that purpose by the members of the council then present, shall be chairman. If both the mayor and the deputy mayor are absent, or the deputy mayor, being present, is not chosen, then such alderman, or in the absence of all the aldermen, such councillor, as the members of the council then present choose, shall be chairman.

10. All acts of the council, and all questions coming or arising before the council, may be done and decided by the majority of such members of the council as are present and vote at a meeting held in pursuance of this Act, the whole number present at the meeting, whether voting or not, not being less than one third of the number of the whole council.

11. In case of equality of votes, the chairman of the meeting shall have a second or casting vote.

12. Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose, and shall be signed in manner authorized by this Act.

13. Subject to the foregoing provisions of this Schedule, the council may from time to time make standing orders for the regulation of their proceedings and business, and vary or revoke the same.

THE THIRD SCHEDULE.

ELECTIONS.

PART I.

Preparation and Revision of Parish Burgess Lists in Boroughs not Parliamentary.

1. On or before each first of September, the overseers of each parish shall make, sign, and deliver to the town clerk a list, called the parish burgess list, of all persons entitled to be enrolled in the burgess roll for the year in respect of property in that parish.

2. The overseers shall keep a printed copy of the parish burgess list made by them open to public inspection on the first fifteen days of September.

3. The town clerk shall cause a printed copy of all the parish burgess lists to be fixed on the town hall, and to be kept so fixed during the last seven of those fifteen days.

4. Every person whose name is not in a parish burgess list, and who claims to have it inserted therein (in this Act referred to as a claimant), shall, on or before the fifteenth of September, give notice in writing of his claim to the town clerk.

5. Every person whose name is in a parish burgess list may object to any other person as not being entitled to have his name retained in that or any other parish burgess list.

6. Every person so objecting (in this Act referred to as an objector) shall, on or before the fifteenth of September, give to the town clerk, and also give to the person objected to, or leave at or on the property for which he appears in the parish burgess list to be rated, notice in writing of the objection.

7. The town clerk shall make two separate lists of the claimants and the persons objected to (in this Act referred to as respondents), and shall cause printed copies thereof to be fixed on the town hall, and to be kept so fixed during the last seven days of September.

8. He shall also keep a printed copy of each of these lists, open to public inspection on any day during the same seven days.

9. The mayor and the two revising assessors shall in each year revise the parish burgess lists.

10. They shall for this purpose hold an open court in the borough on some or one of the first fifteen days of October.

11. They shall give three clear days notice of the holding of the court, by notice fixed on the town hall.

12. The town clerk shall at the opening of the court produce the parish burgess lists, and a copy of the lists of claimants and respondents.

13. The court shall insert in the parish burgess lists the name of every person who has duly claimed to have his name inserted therein, and is proved to the satisfaction of the court to be so entitled.

14. The court shall expunge from the parish burgess lists the name of every person proved to the court to be dead.

15. Subject as aforesaid, the court shall retain in the parish burgess lists the name of every person to whom objection has not been duly made.

16. The court shall also retain therein the name of every respondent, unless the objector appears by himself, or by some person on his behalf, in support of the objection.

17. Where the objector so appears, the court shall require proof of the respondent's qualification, and, if it is not proved to the satisfaction of the court, shall expunge his name from the parish burgess list.

18. If the name of any person is entered in respect of property situate in more than one ward, the court may call upon him to choose, and if he does not choose, may determine in which of those wards he shall be entitled to vote.

19. The court shall correct any mistake and supply any omission proved to the court to have been made in any of the lists with respect to the name or abode of any person, or the description of any property.

20. The overseers, vestry clerks, and collectors of poor rates of every parish shall attend the court.

21. The court may require any overseer or person having the custody of any book containing any poor rate made in any year in any parish to produce the same at the court for inspection.

22. The court may examine on oath the town clerk, overseers, vestry clerks, and collectors, and any claimant, objector, respondent, or witness.

23. The court shall, on the hearing in open court determine on the validity of all claims and objections.

24. The mayor shall, in open court, write his initials against each name inserted or expunged, and against any part of the lists in which a mistake has been corrected or omission supplied, and shall sign his name to every page of the lists so revised.

25. The mayor may adjourn the court from time to time, so that no adjourned court be held after the fifteenth of October.

PART II.

Rules as to Nomination in Elections of Councillors.

1. Every candidate for the office of councillor must be nominated in writing.

2. The writing must be subscribed by two burgesses of the borough or, in the case of a ward election, of the ward, as proposer and seconder, and by eight other burgesses of the borough or ward, as assenting to the nomination.

3. Each candidate must be nominated by a separate nomination paper, but the same burgesses, or any of them, may subscribe as many nomination papers as there are vacancies to be filled, but no more.

4. Each person nominated must be enrolled in the burgess roll or entered in the separate non-resident list required by this Act to be made.

5. The nomination paper must state the surname and other names of the candidate, with his abode and description.

6. The town clerk shall provide nomination papers, and shall supply any burgess with as many nomination papers as may be required, and shall, at the request of any burgess, fill up a nomination paper.

7. Every nomination paper subscribed as aforesaid must be delivered by the candidate, or his proposer or seconder, at the town clerk's office, seven days at least before the day of election, and before five o'clock in the afternoon of the last day for delivery of nomination papers.

8. The town clerk shall forthwith send notice of every such nomination to each candidate.

9. The mayor shall attend at the town hall on the day next after the last day for delivery of nomination papers for a sufficient time, between the hours of two and four in the afternoon, and shall decide on the validity of every objection made in writing to a nomination paper.

10. Where a person subscribes more nomination papers than one, his subscription shall be inoperative in all but the one which is first delivered.

11. Each candidate may, by writing signed by him, or, if he is absent from the United Kingdom, then his proposer or seconder may, by writing signed by him, appoint a person (in this schedule referred to as the candidate's representative) to attend the proceedings before the mayor on behalf of the candidate, and this appointment must be delivered to the town clerk before five o'clock in the afternoon of the last day for delivery of nomination papers.

12. Each candidate and his representative, but no other person, except for the purpose of assisting the mayor, shall be entitled to attend the proceedings before the mayor.

13. Each candidate and his representative may, during the time appointed for the attendance of the mayor for the purposes of this schedule, object to the nomination paper of any other candidate for the borough or ward.

14. The decision of the mayor shall be given in writing, and shall, if disallowing an objection, be final, but, if allowing an objection, shall be subject to reversal on petition questioning the election or return.

15. The town clerk shall at least four days before the day of election cause the surnames and other names of all persons validly nominated, with their respective abodes and descriptions, and the names of the persons subscribing their nomination papers as proposers and seconders, to be printed and fixed on the town hall, and in the case of a ward election, in some conspicuous place in the ward.

16. The nomination of a person absent from the United Kingdom shall be void, unless his written consent given within one month before the day of his nomination in the presence of two witnesses is produced at the time of his nomination.

17. Where the number of valid nominations exceeds that of the vacancies, any candidate may withdraw from his candidature by notice signed by him, and delivered at the town clerk's office not later than two o'clock in the afternoon of the day next after the last day for delivery of nomination papers: Provided that such notices shall take effect in the order in which they are delivered, and that no such notice shall have effect so as to reduce the number of candidates ultimately standing nominated below the number of vacancies.

18. In and for the purposes of the provisions of this Act relating to proceedings preliminary to election, the burgess roll or ward roll which will be in force on the day of election shall be deemed to be the burgess roll or ward roll, and a person whose name is inserted in one of the lists from which the burgess roll or ward roll will be made up, shall be deemed to be enrolled in that roll although that roll is not yet completed.

PART III.

Modifications of the Ballot Act in its Application to Municipal Elections.

1. The provisions of the Ballot Act, 1872, with respect to the voting of a returning officer, the use of a room for taking a poll, and the right to vote of persons whose names are on the register of voters, and Rules 16 and 19 in the schedule to that Act, shall not apply in the case of a municipal election.

2. The mayor shall at least four days before the day of election give public notice of the situation, division, and allotment of polling places for taking the poll at the election, and of the description of the persons entitled to vote thereat, and at the several polling stations.

3. The mayor shall provide everything which in the case of a parliamentary election is required to be provided by the returning officer for the purpose of a poll, and shall appoint officers for taking the poll and counting the votes.

4. The mayor shall furnish every polling station with such number of compartments in which the voters can mark their votes screened from observation and furnish each presiding officer with such number of ballot papers, as in the judgment of the mayor may be necessary for effectually taking the poll at the election.

5. All expenses of the election shall be defrayed in manner by this Act provided.

6. No return shall be made to the clerk of the Crown in Chancery.

PART IV.

Enactments which are to revive on the Expiration of the Ballot Act.

With respect to a contested election of councillors, elective auditors, or revising assessors, the following rules shall be observed:

1. The returning officer shall cause the requisite polling booths to be erected, or the requisite rooms to be hired and used as polling booths.

2. The returning officer shall, at least two days before the day of election, give public notice of the situation, division, and allotment of the different booths.

3. Each booth shall be divided into compartments, and the returning officer shall appoint a clerk to take the poll at each compartment.

4. There shall be affixed on each booth a notice specifying the part of the borough for which it is allotted.

5. No person shall be admitted to vote at any booth except that allotted for the part in which his qualifying property is situate, unless no booth is allotted for that part, in which case he may vote at any booth.

6. If there is more than one booth, the returning officer may appoint a deputy to preside at each booth.

7. A burgess may vote by delivering to the returning officer or his deputy a voting paper containing the surnames and other names of the persons for whom he votes, with their abodes and descriptions. The voting paper must be signed by the burgess, and must state the qualifying property in respect of which he votes.

8. The returning officer or his deputy shall, if so required by two burgesses, put to any person offering to vote at the time of his delivering in his voting paper, but not afterwards, the following question:

"Are you the person whose name is signed as [*A.B.*] to the voting paper now delivered in by you?"

The vote of a person required to answer this question shall not be received until he has answered it. If any person wilfully makes a false answer thereto he shall be guilty of a misdemeanour.

9. The returning officer shall, at the close of the poll, examine the voting papers, and shall publish a list of the persons elected not later than two o'clock in the afternoon of the day next but one after the day of election.

10. The town clerk shall, for a period of six months from the day of election, keep at his office the voting papers used at the election, and shall permit any burgess to inspect the same on payment of one shilling for each search.

THE FOURTH SCHEDULE.

FEES AND REMUNERATION.

The following fees and remuneration shall be payable:—

1. *Commissioner for Division into Wards or Alteration of Wards.*

Five guineas for every day he is employed, over and above his travelling and other expenses.

2. *Assistant Recorder and Officers of Second Court of Quarter Sessions.*

For every day, not exceeding two, or, by resolution of the council, with the sanction of the Secretary of State, not exceeding six—	
To an assistant recorder - - - -	Ten guineas.
To an assistant clerk of the peace - - -	Two guineas.
To an additional crier - - - -	Half a guinea.

The remuneration is payable on a certificate from the recorder showing the amount due.

3. *Coroner.*

To the borough coroner (subject to the provisions of any other Act relating to coroners)—	
For every inquisition which he duly takes in the borough - - - - - -	Twenty shillings.
and	
For every mile exceeding two miles which he is compelled to travel from his usual place of abode to take such inquisition - - - -	Ninepence.

4. *Special Constables.*

To a special constable, for every day during which he is called out to act as such - - -	Three shillings and sixpence.

THE FIFTH SCHEDULE.

PAYMENTS OUT OF THE BOROUGH FUND.

PART I.

Payments which may be made without Order.

1. The remuneration (if any) of the mayor, of the recorder (if any) in his capacity either of recorder or of judge of a borough civil court, of the stipendiary magistrate (if any), of the town clerk, of the treasurer, of the clerk of the peace when paid by salary, of every other officer appointed by the council, and of the clerk to the justices.

2. The remuneration and allowances certified by the Treasury to be payable to the Treasury in respect of an election petition.

3. The remuneration certified by the recorder to be due to any assistant recorder, assistant clerk of the peace, or additional crier.

PART II.

Payments which may not be made without Order.

1. The expenses incurred by overseers, and by the town clerk and other municipal authorities, in relation to the enrolment of burgesses and the holding of municipal elections, or so much of those expenses as is not otherwise provided for under section thirty of the Parliamentary and Municipal Registration Act, 1878. 13 & 14 Vict. c. 42. s. 3. 41 & 42 Vict. c. 26.

2. The expenses incurred by the town clerk in providing accommodation for an election court held under this Act.

3. The expenses of providing, furnishing, maintaining, or improving the corporate buildings, including the justices room (if any), and the necessary expenses of that room.

4. The fees payable to the clerk of the peace if not paid by salary, and under this Act to the borough coroner.

5. The payments to be made under this Act to or in respect of the borough police and to any special constable, including the following payments (namely);

(*a.*) Such salaries, wages, and allowances to the borough constables, and at such periods, as the watch committee, with the approbation of the council, direct; and

(*b.*) Such further sum as may be awarded by the watch committee, subject to the approbation of the council, or by the court of quarter or petty sessions, to a borough constable as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of his duty, or as may be awarded by the watch committee, subject to the approbation of the council, to a borough constable, as an allowance to him when disabled by bodily injury, or worn out by length of service; and

(*c.*) Any extraordinary expenses which a borough constable appears to have necessarily incurred in apprehending offenders, and executing the orders of any justice having jurisdiction in the borough, such expenses having been first examined and approved by that justice; and

(*d.*) All other charges and expenses which the watch committee, subject to the approbation of the council, direct to be paid for the purposes of the borough constabulary force.

6. The costs and expenses payable by the corporation in respect of the prosecution, maintenance, conveyance, transport, or punishment of offenders.

7. All sums payable under this Act by the corporation of the borough to the treasurer of a county.

8. The expenses of and incidental to the division of a borough into wards or the alteration of wards, including the remuneration of the commissioner appointed for the purposes of the division or alteration.

9. Such remuneration to the clerk to any commissioners for taxes in respect of making copies of assessments as the council think reasonable.

10. The expenses of and relating to a charter of incorporation for a borough, and of and relating to all elections acts and proceedings under the charter.

11. All expenses charged on the borough fund by any Act of Parliament or otherwise by law.

12. All other expenses, not by this Act otherwise provided for, necessarily incurred in carrying this Act into effect.

THE SIXTH SCHEDULE.

COUNTIES TO WHICH CERTAIN BOROUGHS ARE TO BE CONSIDERED ADJOINING FOR PURPOSES OF CRIMINAL TRIALS.

Berwick-upon-Tweed	Northumberland.
Bristol	Gloucestershire.
Chester	Cheshire.
Exeter	Devonshire.
Kingston-upon-Hull	Yorkshire.
Newcastle-upon-Tyne	Northumberland.

THE SEVENTH SCHEDULE.

PROCEDURE FOR SCHEME ON GRANT OF NEW CHARTER.

1. The Committee of Council may, if they think fit, require the draft of a proposed scheme to be submitted to them, either together with the petition for a charter, or at any subsequent period.

2. The draft of a proposed scheme shall be published by advertisement, or placards, or handbills, or otherwise, as the Committee of Council think best calculated for giving notice thereof to all persons interested.

3. Before settling the scheme the Committee of Council shall consider any objections which may be made thereto by any local authority or persons affected thereby.

4. The scheme, when settled, shall, besides being published in the London Gazette, be published by advertisement, or placards, or handbills, or otherwise, as the Committee of Council think best calculated for giving notice thereof to all persons interested.

5. Where a scheme is submitted to Parliament for confirmation, the Committee of Council may introduce a Bill for the confirmation of the scheme, which Bill shall be a Public Bill.

6. Before such Bill is introduced into Parliament the Committee of Council may alter the scheme in such manner as they think proper.

7. If while the Bill confirming a scheme is pending in either House of Parliament a petition is presented against the scheme, the Bill, so far as it relates to such scheme, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a Private Bill.

8. A scheme shall come into operation at the date of its confirmation or any later date mentioned in the scheme.

9. The confirmation of a scheme shall be conclusive evidence that all the requirements of this Act with respect to proceedings required to be taken previously to the making of the scheme have been complied with, and that the scheme has been duly made, and is within the powers of this Act.

THE EIGHTH SCHEDULE.

FORMS.

Part I.—Declarations on accepting Office.

FORM A.

FORM OF DECLARATION ON ACCEPTANCE OF CORPORATE OFFICE.

I, *A.B.*, having been elected mayor [*or* alderman, councillor, elective auditor, *or* revising assessor] for the borough of , hereby declare that I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability [*and in the case of the person being qualified by estate say*, And I hereby declare that I am seised or possessed of real or personal estate, or both [*as the case may be*], to the value or amount of one thousand pounds, or five hundred pounds [*as the case may require*], over and above what will satisfy my just debts].

FORM B.

DECLARATION BY RECORDER OR BOROUGH JUSTICE.

I, *A.B.*, hereby declare that I will faithfully and impartially execute the office of recorder [*or* justice of the peace] for the borough of according to the best of my judgment and ability.

Part II.—Forms relating to Elections.

FORM C.

THE LIST OF BURGESSES of the Borough of in the Parish [*or* Township] of .

Surname and other Names of each Person in full.	Nature of Property for which he is now rated.	Name and Situation of Property for which he is now rated.
Ashton, John - - -	Shop - -	No. 23, Church Street.
Bates, Thomas - - -	House - -	Brook's Farm.

(Signed) *A.B.* } Overseers.
C.D. }

FORM D.

NOTICE OF CLAIM.

To the Town Clerk of the Borough of .

I HEREBY give you notice, that I claim to have my name inserted in the parish burgess lists of the borough of that I occupy [*here describe the house, warehouse, counting-house, shop, or other building then occupied by the claimant*] in the borough, and that I have been rated, in the parish of [*here state the parish or several parishes, and the time during which the claimant has been rated in each of them within the borough, necessary for his qualification*].

Dated the day of in the year .

(Signed) John Allen of [*place of abode*].

FORM E.

NOTICE OF OBJECTION.

To the Town Clerk of the Borough of [*or to the person objected to as the case may be*].

I HEREBY give you notice, that I object to the name of Thomas Bates of Brook's Farm, in the parish of [*describe the person objected to as described in the parish burgess list*] being retained on the parish burgess lists of the borough of .

Dated the day of in the year .

(Signed) John Ashton of [*here state the place of abode and the property for which he is said to be rated in the parish burgess lists*].

FORM F.

LIST OF CLAIMANTS.

The following Persons claim to have their Names inserted in the Parish Burgess Lists of the Borough of .

Surname and other Names of each Claimant.	Nature of Property for which he is now rated.	Situation of Property for which he is now rated.	Parish [*or* Parishes] in which he has been rated, as stated in the Claim.
Allen, John - -	House -	No. 17, High Street	Rated in the last year in Saint Mary's parish in the borough, and in the two preceding years in Saint James's parish in the borough.

(Signed) *A.B.*, Town Clerk.

FORM G.

LIST OF PERSONS OBJECTED TO.

The following Persons have been objected to as not being entitled to have their Names retained in the Parish Burgess Lists of the Borough of

Surname and other Names of each Person objected to.	Nature of Property for which he is now rated.	Situation of Property for which he is said to be now rated in the Overseers List.	Parish in which is the Property for which he is now said to be rated in the Overseers List.
Bates, Thomas -	House - -	Brook's Farm - -	Saint James'.

(Signed) *A.B.*, Town Clerk.

FORM H.

NOTICE.

Borough of . Election of [Councillors, *or* elective Auditors, *or* revising Assessors, *as the case may be*] for the [Ward or several Wards of the] Borough.

Take Notice,

1. That an election of [*here insert the number of councillors, auditors, or assessors, as the case may be*] for the [ward or several wards of the] said borough will be held on the day of .

2. Candidates must be nominated by writing, subscribed by two burgesses as proposer or seconder, and by eight other burgesses as assenting to the nomination.

3. Candidates must be duly qualified for the office to which they are nominated, and the nomination paper must state the surname and other names of the person nominated, with his abode and description, and may be in the following form, or to the like effect:

(Set out Form I.)

4. Each candidate must be nominated by a separate nomination paper, but the same burgesses or any of them may subscribe as many nomination papers as there are vacancies to be filled for the borough [*or* ward], but no more.

5. Every person who forges a nomination paper, or delivers any nomination paper knowing the same to be forged, will be guilty of a misdemeanour, and be liable to imprisonment for any term not exceeding six months, with or without hard labour.

6. Nomination papers must be delivered by the candidate himself, or his proposer or seconder, at the town clerk's office before five o'clock in the afternoon of day the day of next.

7. The mayor will attend at the town hall on day the day of , for a sufficient time between the hours of two and four o'clock in the afternoon, to hear and decide objections to nomination papers.

8. Forms of nomination papers may be obtained at the town clerk's office; and the town clerk will, at the request of any burgess, fill up a nomination paper.

Dated this day of 18

A.B., Town Clerk.

FORM I.

NOMINATION PAPER.

Borough of Election of Councillors, [elective Auditors, or revising Assessors] for Ward in the said Borough [*or* the said Borough] to be held on the day of 18 .

WE, the undersigned, being respectively burgesses, hereby nominate the following person as a candidate at the said election.

Surname.	Other Names.	Abode.	Description.

Signature.	Number on Burgess Roll, with the Ward or Polling District, if any, having a distinct numbering.
A. B. C. D.	

We, the undersigned, being respectively burgesses, hereby assent to the nomination of the above-named person as a candidate at the said election.

Dated this day of 18 .

Signature.	Number on Burgess Roll, with the Ward or Polling District, if any, having a distinct numbering.
E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T.	

FORM K.

BALLOT PAPER.

FORM of Front of Ballot Paper.

For Elective Auditors.

Counterfoil.

No.

Note.—The counterfoil is to have a number to correspond with that on the back of the ballot paper.

1	CADE. (John Cade, of 22, Wellclose Place, Accountant.)	
2	JOHNSON. (Charles Johnson, of 7, Albion Street, Gentleman.)	
3	THOMPSON. (William Thompson, of 14, Queen Street, Silversmith.)	

For Revising Assessor.

1	BACON. (Charles Bacon, of 29, New Street, Solicitor.)	
2	BYRON. (James Byron, of 45, George Street, Commission Agent.)	
3	WILSON. (George Wilson, of 22, Hanover Square, Gentleman.)	

FORM of Back of Ballot Paper.

No. . Election of elective auditors [*or* revising assessors] for the borough of to be held on the day of 18 .

The number on the back of the ballot paper is to correspond with that on the counterfoil.

Part III.—Forms relating to Working Men's Dwellings.

FORM L.

FORM OF GRANT BY CORPORATION.

The Municipal Corporations Act, 1882.

(Working Men's Dwellings.)

Borough of Grant No.

The mayor, aldermen, and burgesses of the borough of . by virtue and in pursuance of the above-mentioned Act, and in consideration of paid to them by *A.B.* of hereby grant to the said *A.B.* (herein referred to as the grantee), and his heirs, the site following (that is to say) [*insert description*] with the appurtenances, subject to the following conditions (that is to say):

1. The grantee shall build on the site one working-man's or working-men's dwelling (and no more) according to the plan and specification deposited in the office of the town clerk, numbered , and under the superintendence and to the satisfaction of the corporation.

2. The grantee, his heirs and assigns, shall always maintain and repair the building, and shall not sell or alienate the site or building in divisions or separate parts, and, in case of the taking down or destruction of the building, shall not rebuild it except in manner approved by the corporation.

3. The grantee, his heirs or assigns, shall not add to or alter the character of the building without the consent of the corporation.

4. If at any time the grantee, his heirs or assigns, fail to fully observe and perform any stipulation of this grant, the corporation may, if they think fit, declare that the site is re-vested in the corporation; and thereupon the same, with the dwelling and other buildings thereon, shall become and be vested in the corporation, as if this grant had not been made.

In witness whereof, &c., this day of 187 .
(*Corporate Seal.*)

FORM M.

FORM OF TRANSFER OF GRANT.

The Municipal Corporations Act, 1882.

(Working Men's Dwellings.)

Borough of . Transfer No. . (Grant No. .)

A.B. of , by virtue and in pursuance of the above-mentioned Act, and in consideration of paid to him by *C.D.* of , hereby grants and transfers to the said *C.D.* and his heirs the site comprised in the within-written* grant [*or* the grant No. under the said Act, dated the day of 187 †] with the appurtenances and with the dwelling and other buildings thereon, subject to the conditions on which that site is held immediately before the execution of this transfer.

*[*In case of transfer by indorsement.*]

†[*In case of transfer by separate deed.*]

In witness whereof, &c., this day of 18 .

A.B. (L.S.)

FORM N.

FORM OF LEASE BY CORPORATION.

The Municipal Corporations Act, 1882.

(Working Men's Dwellings.)

Borough of . Lease No. .

The mayor, aldermen, and burgesses of the borough of by virtue and in pursuance of the above-mentioned Act, and in consideration of the sum of paid to them by *A.B.* of and of the rent and stipulations in this lease reserved and contained, and to be by him, his executors, administrators, or assigns, paid and performed hereby lease to the said *A.B.* (herein referred to as the lessee), his executors and administrators, the site following (that is to say) [*insert description*] with the appurtenances, for the term of [*nine hundred and ninety-nine*] years from the day of , at the yearly rent (clear of all deductions) of , payable by two equal half-yearly payments on the day of and the day of in every year, the first thereof to be made on the day of. , and the last thereof to be made in advance on the day of next before the end of the term, and so that on the term being determined by re-entry a proportionate part of the rent for the fraction of the current half year up to re-entry be repayable.

And the lessee hereby covenants with the corporation that he, his executors, administrators, or assigns, will during the term pay the rent on the days and in manner aforesaid, and will pay all taxes, rates, and outgoings for the time being payable by the tenant in respect of the premises.

And this lease is made subject to the following conditions (that is to say):

1. The lessee shall build on the site one working-man's or working-men's dwelling (and no more) according to the plan and specification deposited in the office of the town clerk, and numbered , under the superintendence and to the satisfaction of the corporation.

2. The lessee, his executors, administrators, and assigns, shall always during the term maintain and repair the building, and shall not sell or alienate the site or building in divisions or separate parts and, in case of the taking down or destruction of the building, shall not rebuild it, except in manner approved by the corporation.

3. The lessee, his executors, administrators, or assigns, shall not add to or alter the character of the building without the consent in writing of the corporation.

4. If at any time the lessee, his executors, administrators, or assigns, fail to duly pay the rent hereby reserved, or to fully observe and perform any stipulation herein contained, the corporation may, if they think fit, re-enter on any part of the site in the name of the whole, and thereupon the term of years shall absolutely cease.

In witness whereof, &c., this day of 187 .

(*Corporate Seal.*)

A.B. (L.S.)

FORM O.

FORM OF ASSIGNMENT OF LEASE.

The Municipal Corporations Act, 1882.

(Working Men's Dwellings.)

Borough of . Transfer No. . (Lease No. .)

A.B. of (herein referred to as the assignor) by virtue and in pursuance of the above-mentioned Act, and in consideration of paid to him by *C.D.* of , hereby assigns to the said *C.D.* (herein referred to as the assignee,) his executors and administrators, the site comprised in the within-written lease* [*or* the lease No. under the said Act, dated the day of 187 †], with the appurtenances, and with the dwelling and other buildings thereon, for the residue of the term of years, at the rent and subject to the stipulations and conditions at and subject to which that site is held immediately before the execution of this assignment.

*[*In case of assignment by indorsement.*]

†[*In case of assignment by separate deed.*]

And the assignee for himself, his executors and administrators, covenants with the assignor, his executors and administrators, that the assignee, his executors or administrators, will pay the yearly rent and observe and perform the stipulations and conditions aforesaid, and will at all times keep the assignor, his executors and administrators, indemnified in respect thereof.

In witness whereof, &c., this day of 187 .

A.B. (L.S.)
C.D. (L.S.)

Part IV.—Forms relating to Borough Bridges.

FORM P.

FORM OF MORTGAGE.

The Municipal Corporations Act, 1882.

(Borough Bridges.)

Borough of . Mortgage No.

We, the mayor, aldermen, and burgesses of the borough of by virtue and in pursuance of the above-mentioned Act, and in consideration of the sum of paid to them by *A.B.* of for the purposes of the said Act, do grant and assign unto the said *A.B.*, his executors, administrators, and assigns, such proportion of the borough fund and borough rate as the said sum of doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said fund and rate, to hold to the said *A.B.*, his executors, administrators, and assigns, from the day of the date hereof, until the said sum of with interest at the rate of per centum per annum for the same, shall be fully paid and satisfied. And it is hereby declared that the said principal sum shall be repaid on the day of at [*place of payment*].

In witness whereof, &c., this day of 187 .

(*Corporate Seal.*)

FORM Q.

FORM OF TRANSFER OF MORTGAGE.

The Municipal Corporations Act, 1882.

(Borough Bridges.)

Borough of . Transfer No. . (Mortgage No. .)

I *A.B.* of in consideration of the sum of paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his executors, administrators, and assigns, a certain mortgage, dated this day

of and made by the mayor, aldermen, and burgesses of the borough of , under the above-mentioned Act, for securing the sum of and interest thereon at per centum per annum [*or, if the transfer is by indorsement on the mortgage, insert, instead of the words immediately following the word "assigns,"* the within security], and all my right, estate, and interest in and to the money thereby secured, and in and to the fund and rate thereby assigned.

In witness whereof, &c., this day of 187

A.B. (L.S.)

THE NINTH SCHEDULE.

ENACTMENTS IN WHICH A REFERENCE TO THIS ACT IS TO BE SUBSTITUTED.

PART I.

General References.

2 & 3 Vict. c. 93.—An Act for the establishment of county and district constables by the authority of justices of the peace (section 24).

5 & 6 Vict. c. 109.—An Act for the appointment of parish constables (section 21).

9 & 10 Vict. c. 74.—An Act to encourage the establishment of public baths and wash-houses (section 1).

10 & 11 Vict. c. 62.—An Act for the establishment of naval prisons, and for the prevention of desertion from Her Majesty's navy (section 13).

12 & 13 Vict. c. 35.—An Act for requiring annual returns of the expenditure on highways in England and Wales to be transmitted to the Secretary of State, and afterwards laid before Parliament (section 2).

12 & 13 Vict. c. 82.—An Act to relieve boroughs, in certain cases, from contribution to certain descriptions of county expenditure.

13 & 14 Vict. c. 20.—An Act to amend an Act of the fifth and sixth years of Her present Majesty for the appointment and payment of parish constables (section 7).

13 & 14 Vict. c. 105.—An Act for facilitating the union of liberties with the counties in which they are situate (section 10).

14 & 15 Vict. c. 28.—An Act for the well-ordering of common lodging-houses (section 2).

14 & 15 Vict. c. 34.—An Act to encourage the establishment of lodging-houses for the labouring classes (section 2).

16 & 17 Vict. c. 73.—An Act for the establishment of a body of naval coast volunteers, and for the temporary transfer to the navy, in case of need, of seafaring men employed in other public services (section 24).

16 & 17 Vict. c. 97.—The Lunatic Asylums Act, 1853 (section 9).

17 & 18 Vict. c. 71.—An Act to amend the law concerning the making of borough rates in boroughs not within the Municipal Corporation Acts.

17 & 18 Vict. c. 87.—An Act to make further provision for the burial of the dead in England beyond the limits of the metropolis (section 3).

17 & 18 Vict. c. 105.—The Militia Law Amendment Act, 1854 (section 11).

18 & 19 Vict. c. 57.—An Act further to amend the laws relating to the militia in England (section 7).

18 & 19 Vict. c. 121.—The Nuisances Removal Act for England, 1855.

19 & 20 Vict. c. 69.—An Act to render more effectual the police in counties and boroughs in England and Wales.

20 & 21 Vict. c. 81.—An Act to amend the Burial Acts.

22 & 23 Vict. c. 40.—An Act for the establishment of a reserve volunteer force of seamen, and for the government of the same (section 25).

23 & 24 Vict. c. 68.—An Act for the better management and control of the highways in South Wales.

25 & 26 Vict. c. 61.—An Act for the better management of highways in England.

26 & 27 Vict. c. 13.—An Act for the protection of certain garden or ornamental grounds in cities and boroughs.

26 & 27 Vict. c. 97.—The Stipendiary Magistrates Act, 1863 (section 2).
28 & 29 Vict. c. 126.—The Prison Act, 1865 (section 4).
30 & 31 Vict. c. 102.—The Representation of the People Act, 1867.
31 & 32 Vict. c. 22.—The Petty Sessions and Lock-up House Act, 1868 (section 3).
31 & 32 Vict. c. 46.—The Boundary Act, 1868 (First Schedule).
31 & 32 Vict. c. 58.—The Parliamentary Electors Registration Act, 1868.
31 & 32 Vict. c. 125.—The Parliamentary Elections Act, 1868 (sections 43 and 45).
31 & 32 Vict. c. 130.—The Artizans and Labourers Dwellings Act, 1868 (section 3).
33 & 34 Vict. c. 75.—The Elementary Education Act, 1870 (section 3).
33 & 34 Vict. c. 78.—The Tramways Act, 1870 (Schedule A.).
34 & 35 Vict. c. 56.—The Dogs Act, 1871 (Schedule).
34 & 35 Vict. c. 105.—The Petroleum Act, 1871 (section 2).
35 & 36 Vict. c. 38.—The Infant Life Protection Act, 1872 (First Schedule).
35 & 36 Vict. c. 91.—An Act to authorize the application of funds of municipal corporations and other governing bodies in certain cases.
38 & 39 Vict. c. 17.—The Explosives Act, 1875 (section 108).
38 & 39 Vict. c. 55.—The Public Health Act, 1875 (section 4).
38 & 39 Vict. c. 83.—The Local Loans Act, 1875 (section 34).
39 & 40 Vict. c. 56.—The Commons Act, 1876 (section 37).
40 & 41 Vict. c. 21.—The Prison Act, 1877 (section 59).
41 & 42 Vict. c. 49.—The Weights and Measures Act, 1878 (Fourth Schedule).
41 & 42 Vict. c. 74.—The Contagious Diseases (Animals) Act, 1878 (sections 7 and 66).
41 & 42 Vict. c. 77.—The Highways and Locomotives (Amendment) Act, 1878 (section 38).

PART II.

Particular References.

14 & 15 Vict. c. 55.—An Act to amend the law relating to the expenses of prosecutions, and to make further provisions for the apprehension and trial of offenders in certain cases:

In section 24, for Schedule C. to the Municipal Corporations Act, 1835, the Sixth Schedule to this Act.

33 & 34 Vict. c. 91.—The Clerical Disabilities Act, 1870:

In the First Schedule, for section 28 of the Municipal Corporations Act, 1835, so much of the provision of this Act relative to disqualifications for being councillor as relates to being in holy orders.

CHAPTER 51.

An Act to extend the Acts relating to the purchase of small Government Annuities and to assuring payments of money on death. [18th August 1882.]

WHEREAS under the Government Annuities Acts, 1829 to 1873, the National Debt Commissioners are authorised either directly or through the medium of a savings bank to grant annuities and to contract for payments on death within the limits and subject to the conditions in the said Acts mentioned, and it is expedient to make further provision respecting such annuities and contracts:

10 Geo. 4. c. 24.
2 & 3 Will. 4. c. 59.
3 & 4 Will. 4. c. 24.
16 & 17 Vict. c. 45.
27 & 28 Vict. c. 43, &c.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and construction.

1. This Act may be cited as the Government Annuities Act, 1882.

This Act and the Government Annuities Acts, 1829 to 1873, may be cited together as the Government Annuities Acts, 1829 to 1882.

This Act shall be construed as one with the Government Annuities Act, 1864.

The Act of the session of the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, chapter forty-six, intituled "An Act to provide for the investment and appropriation "of all moneys received by the Commissioners for the Reduction "of the National Debt on account of deferred life annuities and "payments to be made on death," is in this Act referred to and may be cited as the Government Annuities (Investments) Act, 1864.

Limit of grant of annuities.

2. An annuity granted to any one person under the Government Annuities Acts, 1853 and 1864, as amended by this Act (in this Act referred to as a savings bank annuity), may be of any amount not exceeding one hundred pounds a year.

Any such annuity may be granted to any person not under the age of five years.

Contract for endowments and definition of insurance.

3. The National Debt Commissioners may, subject to the limits in this Act mentioned, contract with any person for a payment to be made on the attainment by such person of a specified age, or sooner in case of his death, and the Government Annuities Acts, 1853 and 1864, as amended by this Act (including the provisions punishing false declaration, forgery, and other offences), shall apply in like manner, so far as is consistent with the tenour thereof, as if such contract were a contract for the payment of a sum of money on death; and a contract with a person under the said Acts as amended by this Act for either any such payment to him as above in this section specified, or for a payment at his death, is in this Act referred to as a savings bank insurance.

Limits of insurance.

4. A savings banks insurance granted to one person may be for any amount not exceeding one hundred pounds.

(2.) A savings banks insurance may be granted to a person not over the age of sixty-five years and not under the age of fourteen years, or if the amount does not exceed five pounds, not under the age of eight years.

Tables for annuities and insurances.

5. (1.) The Treasury may on the passing of this Act cause tables to be constructed for the grant of savings banks annuities and insurances.

(2.) Every such table when approved by the Treasury shall, together with a statement of the rules observed in constructing it, be laid before both Houses of Parliament for not less than thirty days, and if any address is presented to Her Majesty by either House of Parliament praying that such table may be cancelled, the table shall be cancelled without prejudice to the framing of another table in lieu of the table so cancelled.

(3.) After the expiration of the said thirty days the Treasury may cause the table, if not cancelled as above provided, to be published in the London Gazette, and the table shall come into operation on the day of that publication or such later day as may be fixed by the Treasury.

(4.) The tables shall be framed in such manner that the fund formed by the receipt of sums in respect of deferred annuities and

of insurances and the amounts paid for immediate annuities shall respectively be adequate (after payment of expenses) to meet all claims without causing any loss to the Exchequer

(5) The tables shall be framed so that the payments to obtain the annuities and insurances may be made in one sum or in annual or more frequent instalments, and may be made during life or during a limited period

(6) The tables may also provide for such variations in the rates for and conditions of annuities and insurances and such surrender of insurances and such other matters as may seem expedient

(7) The Treasury may from time to time cause a new table to be constructed under this Act in lieu of any then existing table, and such table shall be laid before Parliament and be subject to be cancelled and be published in manner above provided by this section

(8) All savings banks annuities and insurances shall be granted in accordance with the tables for the time being in force in pursuance of this Act, and upon any new table made under this section coming into operation, any previously existing table in lieu of which such new table is expressed to be made shall whether made before or after the pasing of this Act, be revoked without prejudice nevertheless to any annuity or insurance granted in accordance therewith

(9) If the fund formed by the receipt of sums in respect of insurances is so much in excess of the liabilities that it is possible to reduce the payments made to obtain insurances and a new table is made under this section for that purpose, the Treasury may provide for giving to the persons entitled to insurances in force at that time such portion of the surplus of the said fund as seems just in such manner as seems expedient

Regulations

6. The regulations made in pursuance of section sixteen of the Government Annuities Act, 1864 shall provide —

(*a*) For proofs of age, of identity, and state of health, and such other matters as appear necessary or proper for the grant of annuities and insurances, and in the case of an insurance for such sum not exceeding twenty-five pounds as may be fixed by the regulations, for diminishing the amount to be paid to the insured in the event of any regulation as to medical certificates or any other matters having been dispensed with, and

(*b*) For regulating the time and mode of making the payments to obtain savings banks annuities and insurances whether granted before or after the passing of this Act, and enabling them to be made out of the deposits in a savings bank, and

(*c*) For crediting the accounts of depositors in a savings bank with the sum due in respect of savings bank annuities or insurances granted to them either before or after the passing of this Act, or otherwise for regulating the mode of payment of such annuities or insurances, or of any annuities granted under any Acts repealed by the Government Annuities Act, 1853, and for regulating the receipts to be given for the same, and

(*d.*) For cancelling or varying contracts for the grant of annuities and insurances and correcting errors arising on any such grant; and

(*e.*) For enabling a person to whom an insurance is granted to nominate a person to whom the money due under such insurance, not exceeding fifty pounds, is to be paid on the death of such person, and for the discharge to be given for such money; and

(*f.*) In the case of minors under the age of twenty-one years for the making of contracts, the making of payments to obtain savings bank annuities and insurances out of the deposits in a savings bank, the giving of receipts and the doing of other acts on their behalf; and the contracts and payments so made, the receipts so given, and acts so done shall be valid and binding on the minor.

The regulations shall also make such provisions as seem to the authority making the same necessary or proper for making payments on the death of children under ten years of age subject to the provisions contained in section twenty-eight of the Friendly Societies Act, 1875, in like manner as if the same were the payments in that section mentioned.

38 & 39 Vict. c. 60.

Regulations may be made, in pursuance of the said section sixteen of the Government Annuities Act, 1864, as amended by this Act, by the National Debt Commissioners, with the approval of the Treasury, so far as regards any annuities and insurances granted by such Commissioners either directly or through any parochial or other society.

Application of Savings Banks Acts.

7. Subject to the provisions of this Act and of the regulations made under the Government Annuities Act, 1864, as amended by this Act, all enactments for the time being in force relating to savings banks, and all regulations made in pursuance of those enactments, shall, so far as is consistent with the tenour thereof, apply for the purposes of this Act, and a person to whom a savings bank annuity or insurance has been granted, either before or after the passing of this Act, shall be deemed for the purpose of those regulations and enactments to be a depositor in a savings bank.

Provided that—

(*a.*) for the purpose of the immediate purchase of a savings banks annuity or insurance, a deposit to an amount not exceeding the amount to be paid for such annuity or insurance may be deposited in any one savings bank year, in addition to the maximum amount which otherwise is allowed to be deposited in a savings bank in that year, and

(*b.*) in computing the maximum amount of deposit allowable for a depositor in a savings bank, any deposit for the above-mentioned purpose and any sum credited to the account of a depositor in respect of any savings bank annuity or insurance shall not be reckoned, and it shall be lawful to credit the account of a depositor with any such deposit or sum: Provided that if, after such deposit or sum has been credited, the aggregate sum standing to the credit of a depositor exceeds the

maximum amount which otherwise is allowed to be deposited in a savings bank, either in any one savings bank year or in the aggregate, such excess shall bear no interest, but shall be forthwith applied to the purpose for which it was deposited or paid over to the depositor

(*c*) Nothing in the said Acts or this Act shall exempt any person obtaining or becoming entitled to a savings bank insurance from any probate or stamp duty payable by law

Trust and joint account

8. (1) Notice of any trust express implied, or constructive affecting any savings bank annuity or insurance (except such trusts as are from time to time recognised by law in relation to deposits in savings banks, and except such trusts as are provided for by section ten of the Married Women's Property Act, 1870 or any enactment now or hereafter to be passed relating to the property of married women,) shall not be entered upon any contract for such annuity or insurance, or in any deposit book relating thereto, or be receivable by the National Debt Commissioners or any savings bank

33 & 34 Vict c 93

(2) A savings bank annuity or insurance depending on the life of any person may be granted to that person jointly with any other persons to an amount not exceeding in the whole the amount of the annuity or insurance which could have been granted to one person and the said persons shall be deemed to be entitled to such annuity and insurance as joint tenants

(3) The National Debt Commissioners may permit the transfer of any annuity so granted to more persons than one under such regulations, as to such Commissioners seem fit, so however that the person on whose life such annuity is granted shall be transferee, or one of the transferees, and where it is granted on the joint lives of two or more persons, all of those persons, or such of those persons as the National Debt Commissioners think fit, shall be the transferees or included among the transferees

Insane or incapacitated grantee

9. Where any person entitled to a savings bank annuity or insurance is insane or otherwise incapacitated to act, then (subject to the conditions prescribed by the regulations under section sixteen of the Government Annuities Act, 1864, as amended by this Act) payment of such annuity or insurance may be made at such times and in such sums and to such persons as may seem proper, and the receipt of the said persons shall be a good discharge for the same

Amendment of 27 & 28 Vict c 43 ss 8 and 11 as to surrender of policy or assignment of policy after payment of five years premium

10. Whereas by the Government Annuities Act, 1864 it is provided that a person who has obtained a savings bank insurance, and has paid the premiums thereon for a period of not less than five years may (under section eight) surrender his policy or obtain a return in respect of the premiums paid by him (not being less than one-third thereof) or obtain another savings bank insurance or annuity in lieu of such premiums, and (under section eleven) may assign his right and interest in such insurance, and it is expedient to amend the said section Be it therefore enacted as follows

A person who has obtained a savings bank insurance, and has paid the premiums thereon for not less than two years, shall have the same right under sections eight and eleven of the Government Annuities Act, 1864, as a person has who has paid the premiums for not less than five years, and sections eight and eleven of the said Act shall be construed as if "two years" were therein substituted

for "five years," and so much of the said section eight as requires the amount returned to be not less than one-third of the premiums shall be repealed.

Forfeiture by person holding annuity or insurance exceeding the maximum or making false declaration.

11. (1.) If any one person by his own act holds or claims to be entitled to any savings bank annuities or insurances, whether granted before or after the passing of this Act, which exceed in the whole the maximum annuity or insurance allowed by this Act to be granted to any one person, such person shall be liable, in the discretion of the National Debt Commissioners, to forfeit the whole or any part of such annuities or insurances.

(2.) Any person who makes a false declaration in relation to any matter or thing required by the Government Annuities Acts, 1853 and 1864, or by this Act, or by the regulations made in pursuance of the said Acts, or any of them, or produces any false declaration or certificate, shall be liable, in the discretion of the National Debt Commissioners, to forfeit the whole or any part of the savings bank annuity or insurance to which such false declaration or certificate related or for the purpose of obtaining which it was made or produced, and all or any part of the money paid for obtaining such annuity or insurance, and the National Debt Commissioners may, in lieu of all or any part of such forfeiture, adjust the contract made by such person so as to be in accordance with what it would have been if such false declaration or certificate had not been made or produced.

(3.) If a person makes any such false declaration as aforesaid knowing the same to be false in any material particular, he shall, in addition to such forfeiture, be liable on conviction to imprisonment, with or without hard labour, for a period not exceeding twelve months.

Penalty for receiving annuity or insurance in fraud of the Commissioners.

12. (1.) If any person receives any payment in respect of any savings bank annuity after the death of the person at whose death such annuity is to cease, or receives the amount of any insurance payable at the death of a person before the death of that person, he shall be liable to pay to the National Debt Commissioners double the amount of the sum received, with interest thereon at the rate of five per cent. per annum from the date of the receipt: such sum shall be recoverable in a county court or any other competent court as a debt to Her Majesty.

(2.) If a person receiving any such money as above mentioned received the same with intent to defraud, he shall, in addition to the above-mentioned payment, be liable on conviction to imprisonment with or without hard labour for a period not exceeding twelve months.

Application and investments of sums paid for savings bank annuities or insurances.

13. (1.) All sums paid in order to obtain savings bank annuities and insurances shall be paid into the bank to the account of the National Debt Commissioners, and there carried to such account or accounts and under such title or titles as the National Debt Commissioners from time to time direct, but such current outgoings as herein-after mentioned may be defrayed thereout, either before or after such payment into the bank, and the application thereof herein-after mentioned shall be subject to such defraying of outgoings.

(2.) The sums paid for immediate annuities shall be forthwith applied in the purchase of government annuities (that is to say,) of

perpetual bank annuities, terminable annuities, exchequer bills, exchequer bonds, or treasury bills, and the securities so purchased shall be forthwith cancelled, and cease to be charged on the Consolidated Fund.

(3.) All immediate annuities granted under this Act shall be charged on the Consolidated Fund and issued thereout, or out of the growing produce thereof, at such times as the Treasury may from time to time direct with a view to the due payment thereof to the persons entitled thereto.

(4.) The Government Annuities (Investments) Act, 1864, shall apply to all sums paid into the bank as aforesaid, other than amounts applicable for immediate annuities as above provided.

(5.) In the event of any contract for a savings bank annuity or insurance being cancelled or varied in pursuance of this Act, or any error therein corrected, the National Debt Commissioners may vary the charge on the Consolidated Fund, and on the fund created under the Government Annuities (Investments) Act, 1864, in such manner as may be necessary for carrying into effect such cancellation, variation, or correction, and the Treasury may, if need be, create new securities in lieu of any securities which have been cancelled, and the securities so created shall be charged on the Consolidated Fund, and payable in like manner, and be subject to the same conditions as the securities which were cancelled.

(6.) The expression "current outgoings" includes all sums payable by the National Debt Commissioners in respect of annuities or insurances from time to time, and also all such expenses of carrying into effect this Act as are payable out of the sums paid by persons to obtain savings bank annuities and insurances.

All expenses incurred by any savings bank in the execution of this Act to such amount as may be from time to time allowed by the National Debt Commissioners (subject to the directions of the Treasury) shall be paid by the National Debt Commissioners, and defrayed by them as part of the expenses of the grant of annuities and insurances.

(7.) The expression "bank" in this section means the Governor and Company of the Bank of England, or the Governor and Company of the Bank of Ireland, as the case requires.

14. In this Act, unless the context otherwise requires— **Definitions.**

The expression "Treasury" means the Commissioners of Her Majesty's Treasury;

The expression "National Debt Commissioners" means the Commissioners for the Reduction of the National Debt;

The expression "trustee savings bank" means a savings bank to which the Trustee Savings Banks Act, 1863, extends; and **26 & 27 Vict. c. 87.**

The expression "savings bank" means a trustee savings bank and a post office savings bank.

A savings bank year shall be reckoned as the twelve months ending, in the case of a trustee savings bank, on the twentieth day of November, and in the case of a post office savings bank, on the thirty-first day of December.

15. The Acts specified in the schedule to this Act are hereby repealed as from the commencement of this Act to the extent in the third column of that schedule mentioned, without prejudice to any- **Repeal of Acts and savings.**

thing previously done or suffered in pursuance of any enactment hereby repealed; and every annuity and insurance granted before such commencement shall, save as may otherwise be provided by this Act or by regulations under the Government Annuities Act, 1864, as amended by this Act, have effect as if the said enactment had not been repealed.

Until revoked in pursuance of this Act, the tables in force at the commencement of this Act shall continue in force as if made in pursuance of this Act.

The regulations in force under any enactment repealed by this Act shall continue in force until revoked or superseded by regulations made in pursuance of section sixteen of the Government Annuities Act, 1864, as amended by this Act.

Where, at the passing of this Act, a person has obtained an annuity or insurance through the medium of a post office, and such person has a deposit in a trustee savings bank, nothing contained in this Act or done thereunder shall render such deposit in a trustee savings bank unlawful or prevent such person from making or receiving any payment in respect of such annuity or insurance by means of the post office savings bank.

Extension of Acts to Channel Islands and Isle of Man.

16. The Government Annuities Act, 1853, the Government Annuities Act, 1864, and this Act shall extend to the Channel Islands and the Isle of Man, and the Royal Courts of the Channel Islands shall register the same accordingly.

SCHEDULE.

REPEAL OF ACTS.

NOTE.—A description or citation of a portion of an Act is inclusive of the words of the section part first and last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Session and Chapter.	Title.	Extent of Repeal.
16 & 17 Vict. c. 45	The Government Annuities Act, 1853.	Section two from "to any amount" down to the end of the section; section four, section five, section six, section seven, section eight, section nine, section twelve, section thirteen, from "may require such proofs" down to "the purposes of this Act and"; section fourteen, section sixteen, down to "remain in force and"; and from "alter, revoke, and recall" down to "Treasury and also"; and from "provided always that the said" to the end of the section; section seventeen, section eighteen, section nineteen, section twenty-two, so far as relates to savings banks; section twenty-three, section twenty-four, section twenty-six, section twenty-seven, from "shall be free" down to "annuities"; section thirty, section thirty-three, and section thirty-five.
27 & 28 Vict. c. 43	The Government Annuities Act, 1864.	Section one, section two, section four, section five, section six. In section eight the words "not being "less than one-third of the premiums paid by "him"; section nine, section twelve, section thirteen.

CHAPTER 52.

An Act to continue certain Turnpike Acts, and to repeal certain other Turnpike Acts; and for other purposes connected therewith. [18th August 1882]

WHEREAS it is expedient to continue for limited times some of the Acts herein-after specified, and to repeal others

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

1. The Acts specified in the first schedule annexed hereto shall continue in force until the first day of November one thousand eight hundred and eighty-two, and no longer Schedule 1

2. The Acts specified in the second schedule annexed hereto shall be repealed on and after the first day of November one thousand eight hundred and eighty-two Schedule 2

3. The Acts specified in the first and second columns of the third schedule annexed hereto shall, to the extent specified in the third column thereof, as from the dates specified in the fourth column thereof, be subject to the modifications specified in the fifth column thereof and shall, to the same extent, as so modified, continue in force until the dates specified in the sixth column thereof, and no longer Schedule 3

Where specified in the seventh column thereof the arrears of interest due on the twenty-fifth day of March one thousand eight hundred and eighty-two, and remaining unpaid at the time of the passing of this Act, in respect of the roads subject to the trusts comprised in so much of the Acts as is specified in the third column thereof, are hereby extinguished

4. The Act specified in the first and second columns of the fourth schedule annexed hereto shall, as from the date specified in the third column thereof, be subject to the modifications specified in the fourth column thereof and in the third schedule of the Annual Turnpike Acts Continuance Act, 1881, and shall as so modified continue in force until the first day of November one thousand eight hundred and eighty-eight, when the said Act shall be repealed Schedule 4 44 & 45 Vict c 31

5. The Acts specified in the fifth schedule annexed hereto shall continue in force until the first day of November one thousand eight hundred and eighty-three, and no longer, unless Parliament in the meantime otherwise provides Schedule 5

6. The Acts specified in the first and second columns of the sixth schedule annexed hereto shall, to the extent specified in the third column thereof, be repealed on and after the first day of November one thousand eight hundred and eighty-three, unless Parliament in the meantime otherwise provides due regard being had to local requirements, and to the special circumstances of the trust Schedule 6

7. All other Acts now in force for regulating making, amending, or repairing any turnpike road which will expire at or before the Continuance of all other Turnpike Acts

end of the next session of Parliament, shall continue in force until the first day of November one thousand eight hundred and eighty-three, and to the end of the then next session of Parliament, unless Parliament in the meantime otherwise provides; but this section shall not affect any Act continued to a specified date and no longer, or any Act which is to be repealed at a specified time.

Continuance of liability to repair under special contracts after expiration of trust.

8. The liability of any person for, or to contribute towards, the maintenance, watering, or lighting of any part of a turnpike road, the trust of which has expired, or shall hereafter expire, shall continue in force, notwithstanding the expiration of the trust; and any contract or obligation, under which such liability was created, entered into with the trustees of the turnpike road and not expressly made determinable on the happening of that event, may be enforced against the person who has entered into such contract or obligation, so far as relates to so much of the road as is within the jurisdiction of any highway authority, by such authority, in the same manner as the same might have been enforced by the trustees of the turnpike road.

In this section "person" includes any body of persons, corporate or incorporate; and "highway authority" means surveyor of highways, highway board, or urban sanitary authority.

Extent of Act.

9. This Act shall not apply to Scotland or Ireland.

Short title.

10. This Act may be cited for all purposes as the Annual Turnpike Acts Continuance Act, 1882.

SCHEDULES.

SCHEDULES 1 TO 4.

County.	Name of Trust.	No. of Schedule.	No. of Act.
Derby -	Ashbourne, Sudbury, and Yoxall Bridge - -	4	15
	Chesterfield and Worksop - - - -	3	12
	Glossop and Marple Bridge - - - -	1	1
Devon - -	Kingsbridge and Dartmouth - - - -	1	8
Dorset - -	Blandford and Wimborne - - - -	1	5
	Poole - - - - - - -	1	9
Durham -	Egleston Roads - - - - -	3	14
Kent - -	Tonbridge and Ightham - - - -	1	7
Lancaster -	Rochdale and Edenfield - - - -	1	6
Lincoln -	Lincoln Heath and Market Deeping:—Bourn district	1	3
Stafford -	Uttoxeter and Callingwood Plain - - -	4	15
Sussex -	Beeding and Old Shoreham - - - -	3	13
	Horsham and Steyning - - - -	3	13
York - -	Doncaster and Tadcaster - - - -	1	4
	Wakefield and Aberford - - - -	2	11
Flint - -	Lower King's Ferry - - - - -	1	2
	St. Asaph and Conway - - - -	2	10

FIRST SCHEDULE.

Acts which are to continue in force until the 1st of November 1882, and no longer.

Date of Act.	Title of Act.
23 Vict. c. xxi. -	1. An Act to repeal the Act for amending and improving the road from Glossop to Marple Bridge, in the county of Derby, and the several branches of roads leading to and from the same, and to make other provisions in lieu thereof.
23 Vict. c. xxxii. -	2. An Act for the further continuance of the Lower King's Ferry Roads Turnpike Trust and for other purposes.
23 Vict. c. xli. -	3. An Act to provide for the management, maintenance, and repair of the turnpike road from Lincoln Heath to Market Deeping, and other roads in connexion therewith; and for other purposes: *so far as the same relates to "the Bourn district."*
23 & 24 Vict. c. cxviii.	4. An Act for the Doncaster and Tadcaster Road, in the west riding of the county of York.
23 & 24 Vict. c. cxlvi.	5. An Act to repeal an Act of the first year of the reign of King William the Fourth, intituled "An Act for repairing the road "from Wimborne Minster to Blandford Forum, in the county of "Dorset, and to make other provisions in lieu thereof; and for "other purposes."
29 Vict. c. lxxix. -	6. An Act for repairing and maintaining the road from Rochdale to Edenfield, in the county palatine of Lancaster; and for other purposes.
29 & 30 Vict. c. cx. -	7. An Act to repeal an Act passed in the eleventh year of the reign of His Majesty King George the Fourth, intituled "An Act for "amending and improving the road from Tonbridge to Ightham "and other roads communicating therewith, in the county of "Kent; and for granting more effectual powers in lieu thereof."
29 & 30 Vict. c. clxx.	8. An Act to continue the Kingsbridge and Dartmouth Turnpike Roads Trust, in the county of Devon; and for other purposes.
30 Vict. c. xl.	9. An Act for the Poole roads, in the county of Dorset.

SECOND SCHEDULE.

Acts which are to be repealed on and after the 1st of November 1882.

Date of Act.	Title of Act.
26 Vict. c. xix. -	10. An Act to repeal an Act passed in the third year of the reign of His late Majesty King William the Fourth, intituled "An Act for "the more effectually repairing and maintaining the turnpike "road from Pant Evan Brook in the county of Flint to Abergele "in the county of Denbigh, and thence to Conway Ferry House "in the county of Carnarvon."
26 & 27 Vict. c. cxxxv.	11. An Act to extend the term and amend the provisions of the Act relating to the turnpike road from Wakefield to Aberford, in the county of York.

THIRD SCHEDULE.

Acts which are to continue in force until the dates specified in each instance, and no longer, subject to modifications.

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence	5. Modifications.	6. Dates up to which continuation is enacted.	7. Arrears of interest extinguished.
28 Vict. c. xxiii.	12 An Act for more effectually repairing the road from Chesterfield, in the county of Derby, to Worksop, in the county of Nottingham.	The whole Act -	1st November 1882.	No interest payable.	1st November 1883, and no longer.	Arrears of interest to be extinguished.
23 Vict. c. lxxx.	13. An Act for repairing the roads from Horsham to Steyning, and from thence to the top of Steyning Hill, in the county of Sussex, and from the bottom of Steyning Hill to Slaughter's Corner, in the parish of Beeding, and from thence to Shoreham Bridge, in the parish of Old Shoreham, in the said county.	So far as the same relates to the first district of the roads.	1st November 1882.	No interest payable. Tolls at Horsham Gate to be reduced by one-half. Not less than 350*l.* per annum to be expended in the repairs of the road.	1st November 1885, and no longer.	Arrears of interest to be extinguished.
		So far as the same relates to the second district of the roads.	1st November 1882.	No interest payable. Not less than 80*l.* per annum to be expended in the repairs of the road.	1st November 1885, and no longer.	Arrears of interest to be extinguished.
23 & 24 Vict. c. cxii.	14 An Act to create a further term in the Egleston roads; to add other roads to the trust; to repeal, amend, and extend the Act relating to the said roads; and for other purposes.	The whole Act -	1st November 1882.	No interest payable. Not less than 250*l.* per annum to be expended in the repairs of the roads.	1st November 1887, and no longer.	—

FOURTH SCHEDULE.

Act which is to continue in force, subject to modifications, until the 1st of November 1888, when the said Act shall be repealed.

1. Date of Act.	2. Title of Act.	3. Date from which Modifications are to commence.	4. Modifications.
26 & 27 Vict. c. xcviii.	15. An Act to repeal an Act passed in the eleventh year of the reign of His late Majesty King George the Fourth, intituled "An Act "for repairing, altering, and "improving the roads from "Ashbourne to Sudbury, and "from Sudbury to Yoxall "Bridge, and from Hatton Moor "to Tutbury, and from Uttoxeter "to or near the village of Dray-"cott-in-the Clay, and from "Hadley Plain on the late forest "or chase of Needwood to "Callingwood Plain on the "same late forest or chase," and to make other provisions in lieu thereof.	1 November 1882.	The two districts to be united from and after the 1st November 1882. So much of section 26 as limits the amount allowed for repairs to be repealed. The trustees to have power to expend 500*l.* out of the surplus funds of the Sudbury district, in their hands on the 1st November 1882, on the improvement (otherwise than by ordinary repairs) of the roads of such district. The Sudbury toll gate to be abolished from and after the 1st November 1882.

SCHEDULES 5 AND 6.

County.	Name of Trust.	No of Schedule.	No of Act.
Cumberland -	Carlisle and Eamont Bridge, Northern Division	5	2
Devon - -	Tiverton - - - - -	5	4
Gloucester -	Tewkesbury, Severn Bridge - - -	5	1
Kent - -	Biddenden to Boundgate - - -	5	3
Lancaster - -	Oldham and Ripponden - - -	5	5
Northumberland	Berwick, Norham, and Islandshires - -	5	7
	Ford and Lowick - - - -	5	9
Surrey - -	Kingston and Leatherhead - - -	5	6
York - -	Rotherham and Wortley - - -	5	8
Anglesey - - Carnarvon - Denbigh - - Merioneth - Salop - -	Shrewsbury and Holyhead - - -	6	10, 11, 12, 13

FIFTH SCHEDULE.

Acts which are to continue in force until the 1st of November 1883, and no longer, unless Parliament in the meantime otherwise provides.

Date of Act.	Title of Act
13 & 14 Vict. c. lxvi.	1. An Act for continuing the term of an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, An Act for building a bridge over the River Severn at or near to the Mythe Hill, within the parish and near to the town of Tewkesbury, in the county of Gloucester, to the opposite side of the said river, in the parish of Bushley, in the county of Worcester, and for making convenient roads and avenues to communicate with such bridge, within the counties of Gloucester and Worcester, and of another Act passed in the seventh year of the reign of His late Majesty King George the Fourth, intituled An Act for altering, amending, and enlarging the powers and provisions of an Act relating to the Tewkesbury Severn Bridge and Roads, for the purpose of paying off the debt now due on the said bridge and roads, *so far as the same relates to the bridge over the River Severn at or near to the Mythe Hill.*
22 & 23 Vict. c. xxv.	2 An Act to repeal an Act passed in the eleventh year of the reign of King George the Fourth, chapter one hundred and ten, intituled "An Act for more effectually repairing the road from "Carlisle to Penrith, and from Penrith to Eamont Bridge, in "the county of Cumberland," and to make other provisions in lieu thereof, *so far as the same relates to the "Northern Division" of the road.*
24 Vict. c. v. - -	3 An Act to continue the Biddenden Turnpike Trust in the county of Kent; and for other purposes
24 Vict. c xix. -	4 An Act to repeal an Act of the eleventh year of the reign of King George the Fourth, for improving several roads and making certain new roads in the counties of Devon and Somerset leading to and from the town of Tiverton, and for amending an Act of His present Majesty for repairing several roads leading from and through the town of Wiveliscombe, and to make other provision in lieu thereof.

Date of Act.	Title of Act.
24 Vict. c. xxv. -	5. An Act to repeal an Act for more effectually amending the road from Oldham, in the county of Lancaster, to Ripponden, in the county of York, and other roads in the same counties, and for making and maintaining a new branch to communicate therewith, and to make other provisions in lieu thereof, so far as regards the said road from Oldham to Ripponden, and the other roads already made in connexion therewith.
24 Vict. c. xxvii. -	6. An Act for extending the term and amending the provisions of the Act relating to the Kingston-upon-Thames and Leatherhead turnpike road, in the county of Surrey.
24 Vict. c. lix. - -	7. An Act for maintaining certain roads and bridges in the county of the borough and town of Berwick-upon-Tweed, and counties of Northumberland and Berwick, and for the liquidation of the debt due on the security of the tolls taken on the said roads and bridges.
25 & 26 Vict. c. cxix.	8. An Act for the Rotherham and Wortley turnpike road, in the West Riding of the county of York.
30 Vict. c. lxxxiv. -	9. An Act for maintaining certain roads and bridges in the county of Northumberland, called the Ford and Lowick turnpikes, and for the liquidation of the debt due on the security of the tolls taken at the said roads and bridges.

SIXTH SCHEDULE.

Acts which to the extent specified are to be repealed on and after the 1st of November 1883, unless Parliament in the meantime otherwise provides.

1. Date of Act.	2. Title of Act.	3. Extent of Repeal.
59 Geo. 3. c. 30 -	10. An Act for vesting in Commissioners the line of road from Shrewsbury, in the county of Salop, to Bangor Ferry, in the county of Carnarvon, and for discharging the trustees under several Acts of the seventeenth, twenty-eighth, thirty-sixth, forty-first, forty-second, forty-seventh, and fiftieth years of His present Majesty, from the future repair and maintenance thereof; and for altering and repealing so much of the said Acts as affects the said line of road.	The whole Act.
59 Geo. 3. c. 48 -	11. An Act to amend an Act passed in the fifty-fifth year of His present Majesty for granting to His Majesty the sum of twenty thousand pounds towards repairing roads between London and Holyhead by Chester, and between London and Bangor by Shrewsbury, and for giving additional powers to the commissioners therein named to build a bridge over the Menai Straits, and to make a new road from Bangor Ferry to Holyhead, in the county of Anglesea.	So far as the same relates to the roads comprised in the Shrewsbury and Holyhead Turnpike Trust.

1. Date of Act.	2. Title of Act	3. Extent of Repeal.
5 & 6 Will. 4. c. 21 -	12 An Act to amend and alter an Act of the fifty-ninth year of His late Majesty King George the Third, for vesting in commissioners the line of road from Shrewsbury, in the county of Salop, to Bangor Ferry, in the county of Carnarvon; and for discharging the trustees under several Acts of the seventeenth, twenty-eighth, thirty-sixth, forty-first, forty-second, forty-seventh, and fiftieth years of His then present Majesty, from the future repair and maintenance thereof; and for repealing so much of the said Acts as affects the said line of road	The whole Act.
3 & 4 Vict. c. 104. -	13 An Act to transfer to the Commissioners of Her Majesty's Wood and Works, and other commissioners, the several powers now vested in the commissioners for repairing the line of road from Shrewsbury, in the county of Salop, to Bangor Ferry, in the county of Carnarvon; and to amend the London and Holyhead Roads Acts, so far as relates to the Dunstable Road	So far as the same relates to the roads comprised in the Shrewsbury and Holyhead Turnpike Trust.

CHAPTER 53.

An Act to amend the Law of Entail in Scotland.

[18th August 1882.]

WHEREAS it is desirable to amend the law of entail in Scotland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Entail (Scotland) Act, 1882, and shall apply to Scotland only. Short title

2. The expression "Entail Acts" shall mean the Acts and sections of Acts mentioned in the schedule to this Act and this Act, and they may be cited by the short titles therein mentioned, and shall for all purposes and to all effects be read as one Act. Definitions

Other expressions shall have the same meanings as in the Entail Acts.

3. It shall be lawful for an heir of entail in possession of an entailed estate held under an entail, dated on or after the first day of August one thousand eight hundred and forty-eight to disentail the estate and acquire it in fee simple by applying to the Court in the manner provided by the Entail Acts if he shall be the only heir of entail in existence, or if he shall obtain the like consents as are required by the third section of the Entail Amendment Act, 1848, in the case of entails dated prior to the said date. Heirs under new entails may disentail with the same consents as heirs under old entails 11 & 12 Vict c. 36.

Provided that any creditor of an heir of entail in possession who is empowered by this section by himself alone, without the consent of any other party to acquire the estate in fee simple, shall have the like powers of affecting the estate for payment of debt, and shall have the like rights and interest therein as if the entail had been dated prior to the said date.

Heirs under new entails may sell, lease, feu, and charge on the same conditions as heirs under old entails.

4. It shall be lawful for an heir in possession of an entailed estate held under an entail, dated on or after the first day of August one thousand eight hundred and forty-eight, to sell the estate and to grant feus and long leases, and to charge the estate with debts or incumbrances and for improvement expenditure, and to convey, bequeath, or assign the amount of such expenditure all in like manner and with the like consents as if the entail were dated prior to the said date.

Applications for authority to charge for improvements and grant leases may be made in the sheriff court. 38 & 39 Vict. c. 61. 41 & 42 Vict. c. 28. 31 & 32 Vict. c. 84.

5. Any application under the Entail Amendment Act, 1875, and the Entail Amendment Act, 1878, for authority to borrow and charge for improvement expenditure, and any application for authority to grant leases under the Entail Acts may be made in the sheriff court. And it shall be lawful for the sheriff (including the sheriff substitute) to grant such authority and to exercise all necessary powers for carrying out the provisions of the said Acts in those particulars.

In such applications the procedure with regard to notice and inquiry shall be as nearly as possible the same as in applications to the sheriff for authority to feu under the Entail Amendment Act, 1868, and there shall be the like appeal to one of the divisions of the Court of Session, but there shall be no appeal from the sheriff substitute to the sheriff.

Provisions for applications for authority to borrow, charge, lease, and feu.

6.—(1.) Where application is made for authority to borrow and charge for improvement expenditure, the Court or sheriff may grant authority to execute bonds and dispositions in security for three fourths of the sum authorised to be borrowed, and whether the improvements shall have been executed at the date of the application or are contemplated.

(2.) Where application is made for authority to grant a feu or a lease of a portion of an entailed estate, not exceeding two acres in extent, for a scientific purpose, or other purpose of public utility, the Court or the sheriff, if satisfied that it would be for the public advantage and not prejudicial to the estate, may grant such authority for such yearly feu duty or rent as may be agreed upon, though inadequate and below the just value, subject to such conditions as the Court or the sheriff may think fit.

Provided that it shall not be lawful for the applicant to take any grassum or consideration for granting such feu or lease other than the feu duty or the rent, and if any such grassum or consideration shall be taken such feu or lease shall be null and void.

(3.) In every case in which authority to feu or grant leases has been or shall be granted to the heir in possession of any entailed estate such authority shall be available to the succeeding heirs.

(4.) When at least one-fourth part of a capital sum borrowed for improvements on an entailed estate upon the security of a terminable rentcharge, in manner provided by the Entail Acts, shall have been defrayed by the heir in possession, it shall be lawful for such heir, without the consent of the nearest heir being required,

and whether the cost of such improvements shall have been charged prior or subsequent to the passing of the Entail Amendment Act, 1875, to avail himself of the provisions of the said Act, for the substitution of a bond or disposition in security over the estate for the remainder of such capital sum

Improvements chargeable on estate to be deducted from valuation

7. In all applications for disentail under this Act, where the heir in possession shall have expended sums in improving the estate which he is entitled to charge upon the entailed estate without consents, such heir shall be entitled to produce a statement of such expenditure and upon the Court declaring such expenditure to be properly chargeable upon the estate, the amount thereof, or such portion as the Court may declare properly chargeable, shall be deducted from the valuation of the estate before fixing the amounts of compensation payable to the next heirs

Leases may be granted at diminished rent

8. Notwithstanding any prohibition contained in any deed of entail against granting leases unless such leases are without diminution of rental it shall be lawful for any heir of entail in possession of an entailed estate to grant leases for such period as it may be otherwise competent for him to do, at a fair rent

Provided, that it shall not be lawful for such heir to take any grassum or other consideration for granting such lease other than the rent, and if the rent shall be less than a fair rent, or if any such grassum or consideration shall be taken, such lease shall be null and void

Lease may be renewed two years before expiration

9. It shall be lawful for the heir in possession of an entailed estate, where any portion of the estate is held by a tenant under a current lease for not less than seven years at any time within two years previous to the expiration of such lease, to grant a new lease at a fair rent, to commence at such expiration, and if such heir in possession shall die before the commencement of the new lease, it shall be as valid as if he were still alive

Provided, that it shall not be lawful for such heir in possession to take any grassum or consideration for granting such lease other than the rent and if the rent fixed shall be less than a fair rent, or if any such grassum or consideration shall be taken, such lease shall be null and void

Charge upon a disentailed estate may be transferred to another estate entailed on same series of heirs

10. Where an entailed estate which is charged with debt or provisions shall be disentailed, it shall be lawful for the heir in possession, in substitution for such charge and with consent of the creditor or creditors, to charge with such debt or provisions any other estate belonging to him, and entailed upon the same series of heirs to the extent to which such other estate might have been lawfully charged with such debt or provisions

Applications may be made by guardians on behalf of minors and persons under disability

11. In every case in which it is competent for an heir in possession of an entailed estate, being of full age and not subject to any legal incapacity, to make an application to the Court under the Entail Acts, it shall hereafter be competent for an heir in possession, though a minor, with consent of his curators, or for the tutors of an heir in possession, if he is a pupil, or for his curator or other administrator if he is otherwise incapacitated, to make such application not being an application for authority to disentail the entailed estate or any part thereof, and to execute and carry into effect any authority which may be given by the Court.

Provided that the Court shall not grant such application unless they are satisfied that it is for the benefit of the heir by whom or on whose behalf it is made.

Curator to be appointed to persons unable to consent.

12. In any application under the Entail Acts, to which the consent of any person is required, where such person is disabled under the provisions of the Entail Acts or otherwise from consenting by reason of being under age or subject to other legal incapacity, the Court shall appoint his tutor, curator, or other administrator, or one of his tutors, curators, or administrators, or another person to be curator ad litem to the person under disability, and such curator ad litem may consent on his behalf, and no curator ad litem who may give any consent under this Act shall incur any responsibility on account of such consent in respect of any alleged error in judgment or inadequacy of consideration, or want of consideration therefor unless it shall be alleged and proved that he acted corruptly in the matter.

Consent of nearest heir may be valued and dispensed with

13. In any application under the Entail Acts to which the consent of the heir apparent or other nearest heir is required, and such heir or the curator ad litem appointed to him in terms of this Act shall refuse or fail to give his consent, the Court shall ascertain the value in money of the expectancy or interest in the entailed estate of such heir with reference to such application, and shall direct the sum so ascertained to be paid into bank in name of the said heir, or that proper security therefor shall be given over the estate, and shall thereafter dispense with the consent of the said heir, and shall proceed as if such consent had been obtained, and the provisions of sections five and six of the Entail Amendment (Scotland) Act, 1875, shall apply to the nearest heir as well as to other heirs, and shall apply to all applications to which consents are required, and to entails dated on or after the first day of August one thousand eight hundred and forty-eight, as well as to entails dated prior to that date.

Provided that if the application is opposed by any creditor of such heir who shall prove that prior to the passing of this Act he has lent money to such heir on the security of his right of succession to or interest in the entailed estate, or by the wife or children of such heir in whose favour he shall have granted provisions under the Entail Acts, the consent of the heir shall not be dispensed with until arrangements have been made for the payment or security of the creditor or wife or children to the satisfaction of the Court. If the heir apparent or other nearest heir whose consent is required as aforesaid shall have assigned his expectancy or interest, and the assignee shall have intimated the assignation to the heir in possession for the time being, at any time prior to the recording of the instrument of disentail, such assignee shall be entitled to appear at any time prior to such recording, and to demand that the value in money of such expectancy or interest shall be ascertained, and shall be entitled to a preference upon such value according to the date of the intimation of his assignation, and such preference shall be given effect to in his favour when the value of such expectancy or interest is paid or secured.

Procedure when heir in possession has disappeared.

14. If the heir in possession of an entailed estate shall have been absent from Scotland or shall have disappeared for a period of

fourteen years and cannot be found, it shall be lawful for the next heir to make affidavit to that effect, and to apply to the Court, and the Court, if satisfied that such affidavit is true, and that there is no evidence that such heir in possession has been in life during the preceding fourteen years, may appoint a factor loco absentis to such heir in possession, and may grant authority to and ordain such factor loco absentis to execute an instrument of disentail of the estate, and such instrument shall be as valid and effectual as if it were executed by the heir in possession himself.

The value in money of the expectancy or interest in the entailed estate of the heirs whose consents to the disentail must be obtained or dispensed with under the provisions of the Entail Acts shall be ascertained and may be secured upon the estate, or on the application of the factor loco absentis, or of the next heir, the Court may grant authority to the factor loco absentis to sell the estate at the sight of the Court, and the balance of the price, after paying the value of the interests of the heirs whose consents are required or must be dispensed with as aforesaid, shall be paid into bank or invested for behoof of the heir in possession, and shall be held to be movable, subject to the provisions of the Presumption of Life Limitation (Scotland) Act, 1881. 44 & 45 Vict. c. 47.

If the heir in possession shall have been absent from Scotland or shall have disappeared for any shorter period than fourteen years and a factor loco absentis shall have been appointed under the provisions of the Presumption of Life Limitation (Scotland) Act, 1881, or otherwise, it shall be lawful for such factor to apply to the Court or the sheriff, as the case may be, for authority to feu, lease, borrow, and charge for improvement expenditure, in the same manner as the heir in possession himself might have done. 44 & 45 Vict. c. 47.

Consent of heir who has disappeared.

15. In any application to the Court under the Entail Acts to which the consent of an heir is required, and the applicant shall make affidavit that such consent cannot be obtained in consequence of the absence from Scotland or disappearance of such heir, and that such heir is absent from Scotland, or has disappeared and cannot be found, the Court after such inquiry as it may think fit, shall, if satisfied that the statements contained in the affidavit are true, ascertain the value in money of the expectancy or interest of such heir in the estate, and shall direct the sum so ascertained to be paid into bank in name or for behoof of such heir, or invested in such security and in such way as the Court may direct, and thereupon the Court shall dispense with such consent, and shall proceed as if such consent had been obtained.

Provision for disposal of fund deposited or invested after fourteen years.

16. If the fund deposited or invested in terms of the preceding section shall remain unclaimed by the absent heir for a period of fourteen years from the date when he was last heard of as being alive, or by anyone deriving right or title through or from him, an application may be made to the Court by any one or more of the heirs of entail whose consent to the original application would have been required if at the date of the original application the death of the absent heir had been legally established, or by his or their representatives, and the Court shall order intimation of the application to be made to the other heir or heirs whose consent would have

been required as aforesaid, or by his or their representatives, and if satisfied that the said absent heir has not been heard of during that period of fourteen years, shall ascertain by the best evidence which can then be obtained the value in money of the expectancy of such heir or heirs entitled to succeed after the absent heir, at the date of the disentail, as if the absent heir had been dead at that date, and shall apportion the fund among such heirs, or their representatives, according to their respective interest in so far as it shall be sufficient, and grant warrant for uplifting and paying the fund accordingly; and if there shall be any surplus over the ascertained value of the interests of such heirs, it shall be paid to the heir in possession at the date of the disentail, or his executors or assignees.

Settlements by marriage contract not to be disappointed

17. Where any heir of entail in possession of an entailed estate, or the heir apparent to such estate, shall, together or separately, have secured by obligation in any marriage contract entered into prior to the passing of the present Act the descent of such estate upon the issue of the marriage in reference to which such contract is entered into, it shall not be competent for such heir of entail in possession or heir apparent, or either of them, to apply for or to consent to the disentail of such estate until there shall be born a child of such marriage capable of taking the estate in terms of such contract, and who by himself or his guardian shall consent to such disentail, or until such marriage shall be dissolved without such child being born, unless the trustee or trustees named in such contract, or the party or parties at whose sight the provisions of the contract are directed to be carried into execution, shall concur in such application or consent.

Powers of creditors of heir entitled to disentail.

18. Where any heir of entail in possession is entitled to disentail the estate, with the consent of any other heir or heirs, or upon such consent being dispensed with by the Court, any creditor of such heir in possession, in respect of debt incurred after the passing of this Act, who has obtained decree against him for payment and charged upon the decree, shall in the event of the debt so incurred not being paid for six months after the expiration of the charge, be entitled to apply to the Court, and the Court shall, if the said debt is not paid within three months after the date of the application, order intimation to be made to the heirs whose consents would be required or must be dispensed with by the Court in an application for disentail by the heir in possession, and in the event of any of the said heirs, or his curator ad litem, appointed in terms of this Act, refusing to give his consent, the Court shall ascertain the value in money of the expectancy or interest in the entailed estate of such heir, and shall ordain the heir in possession to grant a bond and disposition in security over the estate for the amount so ascertained in favour of such heir, and if he refuses or fails to do so, the Court shall grant authority to the clerk of Court to execute such a bond and disposition in security, and such bond and disposition in security so executed shall be as valid as if it were executed by the heir in possession himself; and the Court shall thereafter ordain the heir in possession to execute an instrument of disentail of the estate; and if he refuses or fails to do so the Court shall grant authority to the clerk of Court to execute such instrument, and after provision is

made for the interests of any other creditors whose debts are secured on the estate, the creditor aforesaid shall be entitled to affect the estate for payment of such debt, and shall have the same rights and interests therein as if an instrument of disentail had been executed and recorded by the heir in possession himself.

If the estates of such heir of entail in possession of an entailed estate shall be sequestrated for debt incurred after the passing of this Act, the trustee on his sequestrated estates shall be entitled to apply to the Court for authority to disentail the estate, and the Court shall forthwith proceed in the same manner as is directed in this section with regard to the application of a creditor.

Application for order of sale.

19. It shall be lawful for the heir of entail in possession of any entailed estate, or where an entailed estate consists of land held in trust for the purpose of being entailed for the person who if the land had been entailed would have been the heir in possession, or for the tutors, curators, or administrators of such heir or other person, to apply to the Court for an order of sale of the estate, or part of it.

Procedure.

20. In every application for an order of sale, in addition to the procedure prescribed for applications under the Entail Acts, the applicant shall produce and depone to a schedule signed by him, or his tutors, curators, or administrators, setting forth the debts and charges affecting the estate, and the Court shall order intimation to be made to the heirs of entail whose consents would have been required to an application for disentail, and to the creditors, if there be any, and such heirs and creditors shall be entitled to appear for the purpose of seeing that their respective interests are protected, but shall not be entitled to oppose the application.

Order of sale.

21. The Court shall procure a report as to the value of the estate, and as to the rights and charges affecting it, and shall, unless it appear that any patrimonial interest would be injuriously affected thereby, order the estate, or a part of it, to be sold in such manner as they think proper.

Provided that in the case of any such application by or on behalf of a married woman, minor, pupil, or other person under disability, the Court shall not make the order unless they are satisfied that it will be for the benefit of the applicant.

Court may prescribe manner of sale.

22. The Court shall fix the time and place and manner of sale, and may authorise the sale of the estate, or such part of it, in whole or in lots, and either by public auction at such upset price or by private bargain at such price as the Court may direct, or partly by public auction and partly by private bargain, and if more advantageous to the parties, may direct the sale to be for a feuduty instead of a price to be immediately paid, or partly for a feuduty and partly for a price.

Provided that the sale shall not be by private bargain if either the applicant or the next heir shall intimate within one month after the order for sale that he desires the sale to be by public auction.

When the estate is sold by public auction any creditor or person interested, other than the applicant, may be the purchaser.

Price to be consigned.

23. Upon a sale of entailed estate, or such part of it, under the orders of the Court as aforesaid, the following provisions shall have effect:

(1.) The price shall be paid into a bank to be named by the Court on a consignation receipt subject to the future orders of the Court, or, if the applicant desires it, instead of the price being paid in money the equivalent according to the current price of the pay in consolidated stock of the United Kingdom shall be transferred into a special account to be opened in the name of the Accountant of the Court of Session, subject to the order of the Court.

Where price paid in consols, dividends to be paid to applicant and his successors.

(2.) Where the estate, or such part of it, is unencumbered, and where the price is paid in consolidated stock, unless desired by the applicant or his successors in the estate, no further proceedings in the nature of investment shall be necessary. The Court shall grant an order in such general form as it, after consulting the Bank of England, may settle, which order shall be an authority to the bank to pay the dividends to the applicant during his life. After the death of the applicant a similar order shall be granted to his heir of tailzie and provision on production of a decree of service.

Where estate encumbered.

(3.) Where the estate is encumbered the Court shall provide for the payment out of the price of all debts secured upon the estate, and the surplus, if desired by the applicant, may be invested in consolidated stock as aforesaid under the conditions expressed in the preceding subsections.

Where applicant desires investment, trustees may be appointed.

(4.) If the applicant desires that the price or surplus should be invested in any of the Government stocks, public funds, or securities of the United Kingdom, or heritable security in Great Britain, or in stock of the Bank of England, or in East India stock, or the mortgages or debentures or debenture stocks of such municipal corporations or public trusts, or railway companies, as may be approved by the Court after inquiry, it shall be invested as entailed money in the names of trustees to be appointed by the Court, in trust for the applicant and the heirs of entail in their order, and it shall be sufficient in the deed of security to refer to the deed of entail without setting forth the terms of the destination or the conditions and clauses of entail. The trustees shall be not less than three in number, and a majority of the trustees in all cases shall be a quorum. They shall receive such remuneration, if any, as the Court may fix, as well as all charges and expenses incurred by them. If the purchaser of the estate sold as aforesaid and the applicant desire it, a part of the price may be secured on the estate. Subsisting debts affecting the estate may, if desired, be left secured thereon and allowed for in the settlement of the price instead of being paid off.

Powers of trustees.

(5.) If the money is called up or a change of investment is desired, the trustees shall not be bound to obtain the authority or approval of the Court in relation to new investments, but may themselves make such new investments in accordance with the provisions of this Act, or they may apply to the

Court, if they think proper, for such authority. Until the first investment is found, or while it is waiting for re-investment, the entailed money shall remain in bank on a consignation receipt. The Court shall have power to accept the resignation of or to remove any trustee or trustees, and to appoint new or additional trustees, and the petition shall remain a depending process for all purposes until the entail comes to an end.

Purchase of lands.

(6.) If it is desired that the price or surplus, whether before or after it has been invested as aforesaid, shall be applied in the purchase of other lands, the Court, after inquiry and report, may grant the requisite authority, and the purchased lands shall be settled in conformity with the subsisting destination.

Price may be applied to improvements.

(7.) The price of any part of an entailed estate which shall be sold under the provisions of this Act may be applied in payment of the cost of improvements executed but not charged upon the entailed estate, or executed but not charged upon any other estate belonging to the applicant and entailed upon the same series of heirs, or in course of execution, or contemplated, upon the remaining portion of the entailed estate, or upon any other estate belonging to the applicant and entailed upon the same series of heirs.

Provided that the Court shall be satisfied that such improvements, if already executed, are of a substantial nature and beneficial to the estate at the date of the sale, or, if in course of execution or contemplated, that they will be, if well executed, of a substantial nature and beneficial to the estate.

Investment after applicant's death.

(8.) All applications for investment or re-investment or other application of the price or surplus which might be made by the applicant may be made by his heir of tailzie and provision for the time being after the applicant's death.

Costs of application.

(9.) The costs, charges, and expenses incurred in an application to the Court for an order of sale under this Act, and other applications or procedure following thereon shall, in so far as the same properly affect the capital of the estate, form a deduction from the price, and shall be payable out of the sum paid into bank, or deducted from the sums to be invested or applied as aforesaid, and all such costs, charges, and expenses as properly affect income shall be payable out of the income of the fund so paid into bank or invested.

Provisions to husbands, wives, and children, &c. to be secured upon the fund.

24. Where provisions to husbands, wives, and children, annuities or terminable charges, are secured upon the estate, or where courtesy or terce are not excluded, due provision shall be made under the authority of the Court for their payment out of the capital or income, as the case may be, of the estate or fund into which the entailed estate is converted, or otherwise to the satisfaction of the Court, and the entailed estate shall thereafter be effectually freed and disencumbered of such provisions, annuities, charges, courtesy, or terce, by discharges to be granted by the persons in right thereof or by a decree of the Court declaring the entailed estate to be so freed and disencumbered, which discharges or decree shall be recorded in the appropriate register of sasines.

Disposition to be granted at sight of Court.

25. Upon payment of the price in money or stock as above provided (or without payment, where the sale is for a feuduty), the applicant, or his tutors, curators, or administrators, or his heirs, shall grant a disposition at the sight of the Court containing all clauses usual and necessary for the purposes of the conveyance (according to the nature of the transaction), and in particular a clause providing that the purchaser shall have warrandice against the price, so long as the same shall remain extant, deposited or invested as aforesaid, and binding the applicant and his heirs of provision in warrandice to the extent of the shares of the price received by them respectively, in the event of the price being disentailed and divided among the applicant and his heirs of provision according to their respective interests therein. Where a portion of the price is to be secured on the estate, a bond and disposition in security containing all usual clauses shall be granted, or if the court shall declare that any sum of money shall be a real burden on the estate, such decree on being recorded in the appropriate register of sasines shall have the same force and effect as a bond and disposition in security duly recorded in such register.

Money in trust for purchase of land to be entailed.

26. Where any money or other property heritable or moveable is held in trust for the purpose of purchasing land to be entailed, it shall be lawful, when the direction to purchase and entail has become operative, for the person who, if the land were entailed in terms of the trust, would be the heir entitled to possession thereof, to make summary application to the Court for warrant and authority to the person or persons by whom the said money or property is held in trust at the time, to deal with and apply the same or the proceeds thereof as if it were the price of entailed land sold in pursuance of this Act, and such money or property shall be subject to the provisions of this Act applicable to the price of entailed lands.

Price of land sold to remain entailed estate.

27. The price of an entailed estate or any part thereof sold under the provisions of this Act shall be entailed estate within the meaning of the Entail Acts.

Investment of entailed money.

28. The provisions of this Act with regard to the descriptions of securities and stocks in which the price of land sold may be invested shall apply to all entailed estate consisting of money.

Deeds granted under authority of Court to be final.

29. Any instrument of disentail, disposition, bond and disposition in security, or other deed granted under the authority of the Court in terms of this Act, where the judgment of the Court allowing such deed has not been brought under review of the House of Lords by appeal, or where such judgment has not been brought under reduction upon any relevant ground during the period within which such judgment might have been appealed from, shall, as regards any third parties acting bonâ fide on the faith thereof, be no longer reducible on any ground of irregularity or non-compliance with the provisions of this Act, but in respect of any such ground of challenge be final and conclusive.

Act to apply to future entails.

30. This Act shall apply to future as well as to existing entails.

SCHEDULE.

—	Title of Act	Short Title
1685, c 26 -	Act concerning tailzies - - -	Entail Act, 1685
20 Geo 2 c 50 ss 14, 15, 16, 17	An Act for *inter alia* allowing heirs of tailzie in Scotland to sell lands to the Crown for erecting buildings and making settlements in the Highlands	Tenures Abolition Act, 1746
20 Geo 2 c 51 ss 2, 3	An Act *inter alia* to enable heirs of tailzie, guardians tutors, curators, and trustees to sell lands to the Crown	Sales to Crown Act, 1746
10 Geo 3 c 51 -	An Act to encourage the improvement of lands, tenements, and hereditaments in that part of Great Britain called Scotland, held under settlement of strict entail	Entail Improvement Act, 1770
5 Geo 4 c 87 -	An Act to authorise the proprietors of entailed estates in Scotland to grant provisions to the wives or husbands and children of such proprietors	Entail Provisions Act, 1824
1 & 2 Will 4 c 43 s 68	An Act for amending and making more effectual the laws concerning turnpike roads in Scotland	Turnpike Roads (Scotland) Act, 1831
6 & 7 Will 4 c 42 -	An Act to grant certain powers to heirs of entail in Scotland, and to authorise the sale of entailed lands for the payment of certain deaths affecting the same	Entail Powers Act, 1836
3 & 4 Vict c 48 -	An Act to enable proprietors of entailed estates in Scotland to feu or lease on long leases portions of the same for the building of churches and schools, and for dwelling-houses and gardens for the ministers and masters thereof	Entail Sites Act, 1840
11 & 12 Vict c 36 -	An Act for the amendment of the law of entail in Scotland	Entail Amendment Act, 1848
16 & 17 Vict c 94 -	An Act to extend the benefits of the Act of the eleventh and twelfth years of Her present Majesty, for the amendment of the law of entail in Scotland	Entail Amendment Act, 1853
23 & 24 Vict c 95 -	An Act to facilitate the building of cottages for labourers, farm servants, and artizans, by the proprietors of entailed estates in Scotland	Entail Cottages Act, 1860
31 & 32 Vict c 84 -	An Act to amend in several particulars the law of entail in Scotland	Entail Amendment Act, 1868
38 & 39 Vict c 61 -	An Act to further amend the law of entail in Scotland	Entail Amendment Act, 1875
41 Vict c 28 -	An Act to further amend the law of entail in Scotland	Entail Amendment Act, 1878
41 & 42 Vict c 51 s 70	An Act to alter and amend the law in regard to the maintenance and management of roads and bridges in Scotland	Roads and Bridges (Scotland) Act, 1878
43 Vict c 7. -	An Act to amend the law in regard to charging road debts on entailed estates in Scotland	Roads Amendment Act, 1880

CHAPTER 54.

An Act to amend the Artizans and Labourers Dwellings Acts. [18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Artizans Dwellings Act, 1882.

PART I.

Artizans and Labourers Dwellings Improvement Acts, 1875 *and* 1879.

Construction of Part I. of Act. 38 & 39 Vict. c. 36. 42 & 43 Vict. c. 63.

2. This part of this Act shall be construed as one with the Artizans and Labourers Dwellings Improvement Acts, 1875 and 1879, and those Acts together with this part of this Act may be cited together as the Artizans and Labourers Dwellings Improvement Acts, 1875 to 1882.

Amendment of 38 & 39 Vict. c. 36. s. 5, as to the provision of accommodation for the working classes.

3. Whereas by section five of the Artizans and Labourers Dwellings Improvement Act, 1875, it is provided, amongst other things, that an improvement scheme of a local authority shall provide for the accommodation of at the least as many persons of the working class as may be displaced in the area with respect to which the scheme is proposed in suitable dwellings which, unless there are special reasons to the contrary, shall be situate within the limits of the same area or in the vicinity thereof:

And whereas by section four of the Artizans and Labourers Dwellings Improvement Act, 1879, it is provided that the above requirements of section five of the Artizans and Labourers Dwellings Improvement Act, 1875, may, if the confirming authority so authorise, be complied with by the provision of equally convenient accommodation at some place other than within the area or the immediate vicinity of the area comprised in such scheme:

And whereas it is expedient to make further provision respecting such accommodation: Be it therefore enacted as follows:

Where an improvement scheme of a local authority comprises an area situate in the Metropolis or the City of London, the confirming authority shall, without prejudice to the powers conferred on it by the said fourth section of the Artizans and Labourers Dwellings Improvement Act, 1879, be authorised (on the application of the local authority, and on a report being made by the officer conducting the local inquiry directed by the confirming authority that it is expedient having regard to the special circumstances of the locality and to the number of artizans and others belonging to the labouring class dwelling within the area, and being employed within a mile thereof, that a modification should be made) to dispense in the provisional order authorising the scheme altogether with the obligation of the local authority to provide for the accommodation of the persons of the working class who may be displaced by their scheme to such extent as he may think expedient,

having regard to such special circumstances as aforesaid, but not exceeding one half of the persons so displaced, and where any such improvement scheme comprises an area situate elsewhere than in the Metropolis or the City of London, it shall, if the confirming authority so require (but it shall not otherwise be obligatory on the local authority so to frame their scheme), provide for the accommodation of such number of those persons of the working class displaced in the area with respect to which the scheme is proposed in suitable dwellings to be erected in such place or places either within or without the limits of the same area as the said authority on a report made by the officer conducting the local inquiry may require.

The twelfth section of the Artizans and Labourers Dwellings Improvement Act, 1875, and any other enactment relating to the requirement of the said Act as to the accommodation of the working classes, shall be construed with reference and subject to the modifications made by this Act.

The power by this section given to the confirming authority to dispense altogether with the obligation of the local authority to provide for the accommodation of the persons of the working class who may be displaced by their scheme to an extent not exceeding one half of the persons so displaced may (in the case of any scheme which has, before the passing of this Act, been authorised by a confirming Act) upon the application of the local authority be exercised by the confirming authority by an order made at any time within twelve months after the passing of this Act.

Amendment of 38 & 39 Vict. c. 36. s. 19 as to the valuation of land.

4. Whereas it is expedient to amend section nineteen of the Artizans and Labourers Dwellings Improvement Act, 1875: Be it therefore enacted as follows:

In the estimate of the value of the said lands or interests in the said section in that behalf mentioned any addition to or improvement of the property made after the date of the publication of an advertisement in pursuance of section six of the said Act stating the fact of the improvement scheme having been made shall not (unless such addition or improvement was necessary for the maintenance of the property in a proper state of repairs) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made so as to increase the amount of compensation to be paid for the lands, and the words "and all circumstances affecting such value" in the said section are hereby repealed.

Amendment of schedule to 38 & 39 Vict. c. 36.

5. There shall be repealed so much of the schedule to the Artizans and Labourers Dwellings Improvement Act, 1875, as is comprised under the heading "Proceedings on Arbitration," that is to say, articles numbered (5) to (13) both inclusive, and there shall be substituted therefor the articles contained in the schedule hereto: Provided that such repeal shall not affect anything duly done or suffered under any provision hereby repealed.

Limit of area to be dealt with on official representation.

6. Where an official representation made to the Metropolitan Board of Works in pursuance of the Artizans and Labourers Dwellings Improvement Act, 1875, relates to not more than ten houses, the Metropolitan Board of Works shall not take any proceedings on such representation, but shall direct the officer making

the same to report the case to the local authority as defined by the Artizans and Labourers Dwellings Act 1868, and it shall be the duty of the local authority to deal with such case in manner provided by the last mentioned Act and the Acts amending the same

31 & 32 Vict. c 130

PART II.

Construction of Part II 31 & 32 Vict. c 130 42 & 43 Vict c 64

7. This part of this Act shall be construed as one with the Artizans and Labourers Dwellings Act, 1868, and the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879, and those Acts and this part of this Act may be cited together as the Artizans Dwellings Acts 1868 to 1882

Power to local authority to purchase houses for opening alleys &c

8. (1) If in any place to which the Artizans and Labourers Dwellings Act, 1868, applies the officer of health finds that any building although not in itself unfit for human habitation is so situate that by reason of its proximity to or contact with any other buildings it causes one of the following effects, that is to say,—

(1) it stops ventilation, or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation, or

(2) it prevents proper measures from being carried into effect for remedying the evils complained of in respect of such other buildings,

in any such case, the officer of health shall make a report to the local authority in writing of the particulars relating to such first-mentioned building (in this Act referred to as "an obstructive building"), stating that in his opinion it is expedient that the obstructive building should be pulled down, and shall deliver the report to the clerk of the local authority

(2) The local authority shall refer such report to a surveyor or engineer to report thereon, and to report as to the cost of acquiring the lands on which such obstructive building is erected and of pulling down such building

(3) The local authority shall take into consideration the reports of the officer of health and of the surveyor, and if they decide to adopt such reports shall cause copies to be given to the owner of the lands on which the obstructive building stands, with notice of the time and place appointed by the local authority for the consideration thereof, and such owner shall be at liberty to attend and state his objections and after hearing such objections the local authority shall make an order in writing signed by their clerk either allowing the objections or directing that such obstructive building shall be pulled down, and such order shall be subject to appeal in like manner as an order of the local authority under the Artizans and Labourers Dwellings Act 1868

(4) Where an order of the local authority for pulling down an obstructive building is made under this section and is not appealed against or if appealed against is confirmed, the local authority shall be deemed to be authorised to purchase the lands on which the obstructive building is erected in like manner as if they had been authorised by a special Act to purchase the same, and for the purpose of such purchase the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same with respect to

8 & 9 Vict c 18

the purchase and taking of lands otherwise than by agreement shall be deemed to be incorporated in this Act (subject nevertheless to the provisions of this Act), and for the purpose of those provisions this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and such lands may be purchased at any time within one year after the date of the order, or if it was appealed against after the date of the confirmation.

(5.) The owner of the lands may within one month after notice to purchase the same is served upon him declare that he desires to retain the site of the obstructive building and undertake either to pull down or to permit the local authority to pull down the obstructive building, and in such case the owner shall retain the site and shall receive compensation from the local authority for the pulling down of the obstructive building.

(6.) The amount of such compensation, and also the amount of any compensation to be paid on the purchase of any lands under this section, shall in case of difference be settled by arbitration in manner provided by section seven of the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879, as amended by this part of this Act.

(7.) Where the owner retains the site or any part thereof section twenty-three of the Artizans and Labourers Dwellings Act, 1868, shall apply to such site.

(8.) Where the lands are purchased by the local authority the local authority shall pull down the obstructive building, or such part thereof as may be obstructive within the meaning of this section, and keep as an open space the whole site, or such part thereof as may be required to be kept open for the purpose of remedying the evils caused by such obstructive building, and may, with the assent of the confirming authority and upon such terms as such authority thinks expedient, permit such portion of the site to be sold as is not required for the purpose of carrying this section into effect.

Where in the opinion of the arbitrator the demolition of an obstructive building adds to the value of such other buildings as are in that behalf mentioned in this section, the arbitrator shall apportion so much of the compensation to be paid for the demolition of the obstructive building as may be equal to the increase in value of the other buildings amongst such other buildings respectively, and the amount apportioned to each such other building in respect of its increase in value by reason of the demolition of such obstructive building shall be deemed to be private improvement expenses incurred by the local authority in respect of such building, and such local authority may, for the purpose of defraying such expenses, make and levy improvement rates on the occupier of such premises accordingly; and the provisions of the Public Health Act, 1875, relating to private improvement expenses and to private improvement rates shall, so far as circumstances admit, apply accordingly in the same manner as if such provisions were incorporated in this Act, and the said provisions shall be deemed to extend to the city of London and to the metropolis, and in the construction of the said provisions, as respects the city of London the Commissioners

38 & 39 Vict. c. 55.

of Sewers, and as respects the metropolis the Metropolitan Board of Works, shall be deemed to be the urban authority.

If any dispute arises between the owner or occupier of any building (to which any amount may be apportioned in respect of private improvement expenses) and the arbitrator by whom such apportionment is made, such dispute shall be settled by two justices in manner provided by the Lands Clauses Consolidation Act, 1845, in cases where the compensation claimed in respect of lands does not exceed fifty pounds.

Amendment of s. 7 of 42 & 43 Vict. c. 64.

9. Section seven of the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879, shall be construed as if the words "and all circumstances affecting such value" were omitted therefrom.

Expenses of local authority.

10. The expenses of the local authority under this part of this Act shall be defrayed in like manner as expenses incurred in pursuance of the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879.

Amendment of 42 & 43 Vict. c. 64. s. 12 as to enforcement of Act by Metropolitan Board of Works.

11. Whereas by section twelve of the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879, it is provided that in the event of a local authority within the metropolis declining or neglecting for the space of three months after receiving a notice from the Metropolitan Board of Works requiring such local authority to put in force the provisions of the said Act in respect of any premises described in such notice, the Metropolitan Board of Works shall have the powers therein mentioned, and it is expedient to amend the said section: Be it therefore enacted as follows:

Where an officer of health in pursuance of the Artizans and Labourers Dwellings Act, 1868, has reported any premises as unfit for human habitation, or in pursuance of this part of this Act has reported that the pulling down of any obstructive building would be expedient, the board of guardians in whose union or parish, or the owner of any property in the neighbourhood of which such premises or buildings are situate, may complain to the Metropolitan Board of Works that the local authority have failed to put in force the provisions of the said Acts in respect of such premises or buildings, and the Metropolitan Board of Works may, if they think it expedient so to do, thereupon proceed under section twelve of the Artizans and Labourers Dwellings Act (1868) Amendment Act, 1879, and that section shall apply as if it were enacted in this part of this Act and in terms made applicable to the duties of local authorities under this part of this Act.

SCHEDULE.

AMENDMENT OF SCHEDULE TO 38 & 39 VICT. C. 36.

(1.) In lieu of articles eight to thirteen (both inclusive) of the schedule to the Artizans and Labourers Dwellings Improvement Act, 1875, the following articles shall be substituted; that is to say,

Proceedings on Arbitration.

(*a.*) Before any arbitrator enters upon any inquiry he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say,

'I *A.B.* do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875.

'*A.B.*

'Made and subscribed in the presence of

And such declaration shall be annexed to the award when made; and if any arbitrator, having made such declaration, wilfully act contrary thereto, he shall be guilty of a misdemeanor.

(*b.*) As soon as an arbitrator has been appointed as aforesaid, the confirming authority shall deliver to him the maps and schedules deposited at their office, and the local authority shall publish once in each of three successive weeks the following particulars:—

(1.) The appointment of the arbitrator; and

(2.) The deposit at the office of the local authority of the copies of such maps and schedules as aforesaid, with a description of the situation of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same.

(*c.*) In every case in which compensation is payable under the Artizans and Labourers Dwellings Improvement Act, 1875, by the local authority to any claimant, and which compensation has not been made the subject of agreement (in this Act referred to as "a disputed case"), the arbitrator shall ascertain in such manner as he thinks most convenient the amount of compensation demanded by the claimant, and the amount which the local authority may be willing to pay; and after hearing all such parties interested in each disputed case as may appear before him at a time and place of which notice has been given as in this Act mentioned, he shall proceed to decide on the amount of compensation to which he may consider the claimant to be entitled in each case.

(*d.*) The arbitrator shall from time to time give notice to the claimants in disputed cases by causing such notice to be published or otherwise in such manner as he thinks advisable, of a time and place at which the difference between the claimants and the local authority in disputed cases as to the amount of compensation to be paid will be decided by the arbitrator.

(*e.*) After the arbitrator has arrived at a decision on all the disputed cases brought before him he shall make an award under his hand and seal, and such award shall be final, and be binding and conclusive (subject to the provisions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form.

(*f.*) Such award as aforesaid shall be deposited at the office of the confirming authority, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of a copy of the award, and a further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local authority on or before a day to be named in such notice (such day not being earlier than twenty-one days from the date of the last publication of the notice), a short statement in writing of the nature of such claim, and a short abstract of the title on which the same is founded; and such statement and abstract shall be paid for by the local authority. Such abstract of title, in the case of a person claiming a fee simple interest in the land, shall commence twenty years previous to the date of the claim, except there has been an absolute conveyance on sale within twenty years, and more than ten years, previous to the claim when the abstract shall commence with such conveyance.

(*g.*) Any person or local authority dissatisfied with the amount of compensation awarded may, where such amount exceeds one thousand pounds, but not otherwise, appeal in manner provided by article twenty-six of the schedule to the Artizans and Labourers Dwellings Improvement Act, 1875, and that article shall be construed as if one thousand pounds were therein substituted for five hundred pounds.

(*h.*) The costs, charges, and expenses payable by the local authority under article twenty-eight of the schedule to the Artizans and Labourers Dwellings Improvement Act, 1875, shall not be payable until the amount has been certified by the confirming authority.

(*i.*) Notwithstanding anything contained in article twenty-nine of the said schedule, the arbitrator shall not be required to certify the amount of costs incurred by any party in relation to the arbitration in any case where he considers that such costs are not properly payable by the local authority.

CHAPTER 55.

An Act to amend the Law with respect to the Charges on and Payments to the Mercantile Marine Fund, and to Expenses of Prosecutions for Offences committed at Sea.

[18th August 1882.]

WHEREAS with a view to the adjustment of the receipts and expenditure under the Merchant Shipping Acts between the Mercantile Marine Fund and moneys provided by Parliament it is expedient to make the provision herein-after mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Merchant Shipping (Expenses) Act, 1882.

17 & 18 Vict. c. 104, &c.

This Act shall be construed as one with the Merchant Shipping Acts, 1854 to 1880, and together with those Acts may be cited as the Merchant Shipping Acts, 1854 to 1882.

Commencement of Act.

2. This Act (save as is in this Act otherwise expressly provided) shall come into operation on the first day of April, one thousand eight hundred and eighty-three, which day is in this Act referred to as the commencement of this Act.

Charges on Mercantile Marine Fund.

3. There shall be charged on and payable out of the Mercantile Marine Fund the following sums, so far as they are not paid by any private person:—

(*a.*) The salaries of all surveyors and officers appointed, and all expenses incurred in connection with the survey and measurement of ships under the Merchant Shipping Acts, 1854 to 1876:

18 & 19 Vict. c. 119. 35 & 36 Vict. c. 73.

(*b.*) The salaries and expenses of persons employed under the Passengers Act, 1855, as amended by the Merchant Shipping Act, 1872:

(*c.*) The superannuation allowances, gratuities, pensions, and other allowances granted either before or after the passing of this Act to any of the said surveyors or persons:

(*d.*) The expenses of obtaining depositions, reports and returns respecting wrecks and casualties:

(*e.*) The allowances and expenses paid for the relief of distressed British seamen and apprentices, including the expenses declared by any of the Merchant Shipping Acts, 1854 to 1882, to be payable as such expenses, and any contributions to seamen's refuges and hospitals:

(*f.*) Any sums which the Board of Trade, in their discretion, think fit to pay in respect of claims to moneys carried to the Mercantile Marine Fund on account of the wages and effects of deceased seamen, or on account of the proceeds of wreck:

45 & 46 Vict. c. 22.

(*g.*) All costs and expenses incurred by the Board of Trade under the Boiler Explosions Act, 1882 (so far as not otherwise provided for) including any remuneration paid in pursuance of

section seven of that Act, and any costs and expenses ordered by the court in pursuance of that Act to be paid by the Board of Trade.

4. There shall be accounted for and paid to the Mercantile Marine Fund— Payments to the Mercantile Marine Fund.

(*a.*) All fees, charges, and expenses payable in respect of the survey or measurement of ships under the Merchant Shipping Acts, 1854 to 1876:

(*b.*) All fees and other sums payable in respect of any services performed by any person employed under the authority of the Passengers Act, 1855, as amended by the Merchant Shipping Act, 1872:

(*c.*) The net proceeds of wreck which otherwise would be payable into the Exchequer under section four hundred and seventy-five of the Merchant Shipping Act, 1854, as amended by section fifty-three of the Merchant Shipping Act Amendment Act, 1862: 25 & 26 Vict. c. 63.

(*d.*) The moneys arising from the unclaimed wages and effects of deceased seamen, except where the same are required to be paid as directed by the Accountant General of Her Majesty's navy:

(*e.*) All such sums in respect of expenses incurred with respect to distressed seamen and apprentices as are recovered by the Board of Trade under section two hundred and thirteen of the Merchant Shipping Act, 1854, and the enactments amending the same:

(*f.*) All costs and expenses ordered by the court to be paid to the Board of Trade in pursuance of the Boiler Explosions Act, 1882.

All the fees in this section mentioned shall be paid at such times and in such manner as the Board of Trade from time to time direct.

5. There shall be paid to the Mercantile Marine Fund out of moneys provided by Parliament an annual sum of forty thousand pounds, or after the expiration of five years from the commencement of this Act such other sum as may be from time to time determined by the Commissioners of Her Majesty's Treasury, with the concurrence of the Board of Trade, having regard to the receipts and expenditure of the Mercantile Marine Fund under sections three and four of this Act. Subsidy out of moneys provided by Parliament to the Mercantile Marine Fund.

6. The Board of Trade may, if they think fit, at any time after the passing of this Act, abolish or suspend the fees payable upon engagements and discharges effected before shipping masters in pursuance of section one hundred and twenty-five of the Merchant Shipping Act, 1854, and in the event of such abolition, or pending such suspension, no deduction shall be made in pursuance of section one hundred and twenty-six of the said Act from the wages of any person engaged or discharged. Suspension of fees on engagements and discharges under 17 & 18 Vict. c. 104. s. 125.

7. The accounts of the Mercantile Marine Fund shall be deemed to be public accounts within the meaning of section thirty-three of the Exchequer and Audit Departments Act, 1866, and shall be examined and audited accordingly. Audit of accounts of Mercantile Marine Fund. 29 & 30 Vict. c. 39.

8. Where a surveyor appointed under the Merchant Shipping Acts, 1854 to 1876, or a person employed under the Passengers Act, Grant of pension to existing officers.

39 & 40 Vict. c. 80.

1855. has in pursuance of section thirty-nine of the Merchant Shipping Act, 1876, received during part of his term of service his salary out of moneys provided by Parliament, his service during the period that his salary was paid out of moneys provided by Parliament, and his service during the period that his salary was paid out of the Mercantile Marine Fund shall be reckoned indifferently as the same service for the purpose of entitling him to any superannuation allowance, gratuity, pension, or other allowance, out of the Mercantile Marine Fund.

Costs of prosecution for offences committed at sea.

9. Such costs and expenses of and incidental to any prosecution for a felony or misdemeanour as are by law payable out of any county or other local rate shall, where such felony or misdemeanour was committed within the jurisdiction of the Admiralty of England, be paid in the same manner and subject to the same regulations as if such felony or misdemeanour had been committed in the county in which the same is heard and determined, or when the same is heard and determined at the Central Criminal Court as if the same had been committed in the county of Middlesex, and all sums properly paid out of any county or other local rate in respect of the said costs and expenses shall be repaid out of moneys provided by Parliament.

The expenses under section two hundred and sixty-eight of the Merchant Shipping Act, 1854, of imprisoning any such offender as therein mentioned, and of conveying him and the witnesses to the United Kingdom, or to such British possession as mentioned in that section, in any manner other than in the ship to which they respectively belong, shall, where not paid as part of the costs of the prosecution, be paid out of moneys provided by Parliament.

Repeal.

10. The Acts in the Schedule to this Act shall be repealed to the extent in the third column of that Schedule mentioned, without prejudice to anything done or suffered, or any right acquired or accrued in pursuance of the enactments hereby repealed.

SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of a portion of an Act in this Schedule is inclusive of the word section or other part first and last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion described in the description or citation.

Session and Chapter.	Title.	Extent of Repeal.
7 Geo. 4. c. 64. -	An Act for improving the administration of criminal justice in England.	Section twenty-seven.
4 & 5 Will. 4. c. 36. -	An Act for establishing a new court for the trial of offences committed in the metropolis and parts adjoining.	Section twenty-two from "and that "it shall and may be lawful for any "three" to the end of the section.
7 & 8 Vict. c. 2. -	An Act for the more speedy trial of offences committed on the high seas.	Section one from "and it shall be "lawful for the court to order," to the end of the section.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict. c. 104.	The Merchant Shipping Act, 1854.	Section two hundred and two from "and subject to the provision "herein-after contained" to the end of the section. Section two hundred and eleven from "out of any moneys applicable" to "for the purpose." Section two hundred and sixty-eight from "and the expense of imprisoning" to the end of the section. Section four hundred and twenty-eight.
39 & 40 Vict. c. 80. -	The Merchant Shipping Act, 1876.	Section thirty-nine from the beginning down to "vested in the Board "of Trade," and the words "there "may be paid out of moneys pro-"vided by Parliament all costs and "compensation payable by the "Board of Trade in pursuance of "this Act."
40 & 41 Vict. c. 44. -	The Superannuation (Mercantile Marine Fund Officers) Act, 1877.	The whole Act.

CHAPTER 56.

An Act to facilitate and regulate the supply of Electricity for Lighting and other purposes in Great Britain and Ireland. [18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Electric Lighting Act, 1882.

Application of Act.

2. The provisions of this Act shall apply to every local authority, company, or person who may by this Act or any license or provisional order granted under this Act, or by any special Act to be hereafter passed, be authorised to supply electricity within any area (in this Act referred to as "the undertakers") and to every undertaking so authorised, except so far as may be expressly provided by any such special Act; and every such license, provisional order, and special Act, is in this Act included in the expression "license, order, or special Act."

Granting of licenses authorising the supply of electricity.

3. The Board of Trade may from time to time license any local authority as defined by this Act, or any company or person, to supply electricity under this Act for any public or private purposes within any area, subject to the following provisions:

(1.) The consent of every local authority having jurisdiction within the area or any part of the area within which a supply is licensed to be furnished shall be required to the application

for a license, which consent such local authority is hereby authorised to give, with such conditions (if any) as, subject to the approval of the Board of Trade, the local authority may prescribe:

(2.) A license shall be for any period not exceeding seven years, but may, at or after the expiration of such license, be renewed from time to time for a like period with such consent as above mentioned upon such terms and conditions as the Board of Trade may determine:

(3.) "Public purposes" shall mean lighting any street or any place belonging to or subject to the control of the local authority, or any church or registered place of public worship, or any hall or building belonging to or subject to the control of any public authority, or any public theatre, but shall not include any other purpose to which electricity may be applied:

(4.) "Private purposes" shall include any purposes whatever to which electricity may for the time being be applicable, not being public purposes, except the transmission of any telegram:

(5.) Every local authority, company, or person applying for a license shall publish notice of their application by public advertisement in such manner and including such particulars as the Board of Trade may from time to time direct or approve; and such license shall not be granted by the Board of Trade until after the expiration of a period of three months from the date of the first publication of such advertisement, nor until opportunity has been given to all parties interested to make representations or objections to the Board of Trade with reference to the application:

(6.) No application for a license shall be made by any local authority except in pursuance of a resolution to be passed at a special meeting of the local authority, and such special meeting shall only be held after one month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given:

(7.) A license may, subject to the provisions of this Act, be granted to a local authority authorising them to supply electricity within any area although the same or some part thereof may not be included within their own district:

(8.) The license may make such regulations as to the limits within which and the conditions under which a supply of electricity is to be compulsory or permissive, and for enforcing the performance by the licensees of their duties in relation to such supply, and for the revocation of the license where the licensees fail to perform such duties, and generally may contain such regulations and conditions as the Board of Trade may think expedient:

(9.) Where in any area or part of an area in which any undertakers are authorised to supply electricity under any license the undertakers are not themselves the local authority, the license may contain any provisions and restrictions for enabling the local authority within whose jurisdiction such area or part of an area may be to exercise any of the powers of the under-

takers under this Act with respect to the breaking up of any street repairable by such local authority within such area or part of an area, and the alteration of the position of any pipes or wires being under such street, and not being the pipes or wires of the undertakers, on behalf and at the expense of the undertakers, and for limiting the powers and liabilities of the undertakers in relation thereto, which the Board of Trade may think expedient

Granting of provisional orders authorising the supply of electricity

4. The Board of Trade may, from time to time, by provisional order authorise any local authority, company, or person to supply electricity for any public or private purposes within any area, without requiring such consents as are required to the granting a license under this Act, and for such period, whether limited or unlimited as the Board of Trade may think proper, but in all other respects subject to the like provisions as in the last section contained with respect to licenses, and subject also to the following provisions —

(1) No provisional order shall authorise the supply of electricity by any undertakers within the district of any local authority (not being themselves the undertakers), unless notice that such provisional order has been or is intended to be applied for has been given to such local authority by the applicants in such manner as the Board of Trade may direct or approve on or before the first day of July in the year in which such application is made, provided that in the case of any application made during the present year such notice shall be deemed to have been given in due time if the same is given within one month after the passing of this Act

(2) The Board of Trade may submit to Parliament for confirmation any provisional order granted by it in pursuance of this Act, but any such order shall be of no force unless and until it is confirmed by Act of Parliament

(3) If, while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of private Bills

(4) Any Act confirming any provisional order granted in pursuance of this Act may, on the application of the undertakers thereby authorised to supply electricity, be repealed, altered, or amended by any subsequent provisional order granted by the Board of Trade and confirmed by Parliament

Making of rules as to application, &c under Act

5. The Board of Trade may from time to time make, and when made may rescind, alter, or repeal rules in relation to the applications for licenses or provisional orders, and to the payments to be made in respect thereof, and to the publication of notices and advertisements, and the manner in which and the time within which representations or objections with reference to any application are to be made, and to the holding of local inquiries in such cases as they may think it advisable, and to any other matters arising under this Act

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed.

Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the next session of Parliament.

Regulations to be inserted in licenses, &c.

6. The undertakers shall be subject to such regulations and conditions as may be inserted in any license, order, or special Act affecting their undertaking with regard to the following matters:

(*a.*) The limits within which and the conditions under which a supply of electricity is to be compulsory or permissive;

(*b.*) The securing a regular and efficient supply of electricity;

(*c.*) The securing the safety of the public from personal injury, or from fire or otherwise;

(*d.*) The limitation of the prices to be charged in respect of the supply of electricity;

(*e.*) The authorising inspection and inquiry from time to time by the Board of Trade and the local authority;

(*f.*) The enforcement of the due performance of the duties of the undertakers in relation to the supply of electricity by the imposition of penalties or otherwise, and the revocation of the license, order, or special Act where the undertakers have, in the opinion of the Board of Trade, practically failed to carry the powers granted to them into effect within a reasonable time, or discontinued the exercise of such powers; and

(*g.*) Generally with regard to any other matters in connexion with the undertakings.

Provided always, that the Board of Trade may, from time to time, make such regulations as they may think expedient for securing the safety of the public from personal injury or from fire or otherwise, and may from time to time amend or repeal any regulations which may be contained in any such license, order, or special Act in relation thereto; and any regulations so made or amended by the Board of Trade shall, from and after the date thereof, have the like effect in every respect as though they had been originally inserted in the license, order, or special Act authorising the undertaking, and every regulation so repealed shall, from and after the date thereof, be repealed accordingly, but such repeal shall not affect any liability or penalty incurred in respect thereof prior to the date of such repeal or any proceeding or remedy which might have been had in relation thereto.

Any local authority within any part of whose district electricity is authorised to be supplied under any license, order, or special Act may, in addition to any regulations which may be made under the preceding provisions of this section for securing the safety of the public, from time to time make, rescind, alter, or repeal byelaws for further securing such safety; and there may be annexed to any breach of such byelaws such penalties to be recovered in a summary manner as they may think necessary: Provided always, that no such byelaws shall have any force or effect unless and until they have been confirmed by the Board of Trade and published in such manner as the Board of Trade may direct.

7. Any expenses incurred by a local authority under this Act, and not otherwise provided for, including any expenses incurred in connexion with the obtaining by them, or any opposition to the obtaining by any other local authority, company, or person, of any license, order, or special Act under this Act, may be defrayed out of the local rate as defined in the schedule to this Act, and the local authority may from time to time cause such rates to be levied as may be necessary for the purpose of defraying such expenses; provided that where such local authority is a rural sanitary authority such expenses shall be deemed to be special expenses within the meaning of the Public Health Act, 1875. Expenses of local authority. 38 & 39 Vict. c. 55.

8. A local authority authorised to supply electricity by any license, order, or special Act may from time to time borrow money on such security, with such consent and subject to such provisions and restrictions with respect to borrowing and the repayment of loans, as are in the schedule to this Act in that behalf mentioned, and the money so borrowed shall be deemed to be borrowed under the enactments subject to the provisions and restrictions of which it is borrowed, and the accounts of all receipts and expenditure by the local authority in pursuance of this Act, or any license, order, or special Act, shall be subject to such audit as is in the said schedule in that behalf mentioned: Provided always, that any moneys borrowed under this section by the local authority of any district to which the Local Loans Act, 1875, extends, may, if it is thought fit, be borrowed in manner provided by that Act; and in the construction of the said Act for the purposes of this Act the expression "prescribed" means prescribed by any conditions imposed by the authority whose consent is required to borrowing under this section. Power of local authority to borrow money. 38 & 39 Vict. c. 83.

Where any local authority is authorised by any Act to raise any money which they may be empowered to borrow for certain purposes by the issue of corporation or other stock, any money which a local authority may be authorised to borrow under this section may, if it is thought fit, be raised by them by the issue of such stock as aforesaid.

This section shall not apply to the mayor, commonalty, and citizens of the city of London or to the Metropolitan Board of Works, except in so far as the Metropolitan Board of Works may be concerned in the borrowing of any money by any vestry or district board.

9. The undertakers shall on or before the twenty-fifth day of March in every year fill up an annual statement of accounts of the undertaking made up to the thirty-first day of December then next preceding; and such statement shall be in such form and shall contain such particulars and shall be published in such manner as may from time to time be prescribed in that behalf by the Board of Trade. Accounts.

The undertakers shall keep copies of such annual statement at their office, and sell the same to any applicant at a price not exceeding one shilling a copy.

In case the undertakers make default in complying with the provisions of this section, they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

General powers of undertakers under license or provisional order.

10. The undertakers may, subject to and in accordance with the provisions and restrictions of this Act, and of any rules made by the Board of Trade in pursuance of this Act, and of any license, order, or special Act authorising or affecting their undertaking, and for the purpose of supplying electricity, acquire such lands by agreement, construct such works, acquire such licenses for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things, enter into such contracts, and generally do all such acts and things as may be necessary and incidental to such supply.

Power for local authority to contract in certain cases and restrictions on assignments of powers, &c. of undertakers.

11. Any local authority who have obtained a license, order, or special Act for the supply of electricity, may contract with any company or person for the execution and maintenance of any works needed for the purposes of such supply, or for the supply of electricity within any area mentioned in such license, order, or special Act, or in any part of such area; but no local authority, company, or person shall by any contract or assignment transfer to any other company or person or divest themselves of any legal powers given to them, or any legal liabilities imposed on them by this Act, or by any license, order, or special Act, without the consent of the Board of Trade.

Incorporation of certain provisions of Clauses Consolidation Acts.

12. The provisions of the following Acts shall be incorporated with this Act; that is to say,

(1.) The Lands Clauses Acts, except the enactments with respect to the purchase and taking of lands otherwise than by agreement, and except the enactments with respect to the entry upon lands by the promoters of the undertaking; and

10 & 11 Vict. c. 15.

(2.) The provisions of the Gasworks Clauses Act, 1847, with respect to breaking up streets for the purpose of laying pipes, and with respect to waste or misuse of the gas or injury to the pipes and other works, except so much thereof as relates to the use of any burner other than such as has been provided or approved of by the undertakers; and

34 & 35 Vict. c. 41.

(3.) Sections thirty-eight to forty-two inclusive, and sections forty-five and forty-six, of the Gasworks Clauses Act, 1871.

For the purposes of this Act, in the construction of all the enactments incorporated by this section "the special Act" means this Act inclusive of any license, order, or special Act; and the "promoters" or "undertakers," and "the undertaking," as the case may be, mean the undertakers and the undertaking respectively under this Act.

In the construction of the said Lands Clauses Acts, "land" includes easements in or relating to lands.

In the construction of the said Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, the said Acts shall be construed as if "gas" meant "electricity," and as if "pipe" meant electric line, and "works" meant "works" as defined by this Act, and as if "the limits of the special Act" meant the area within which the undertakers are authorised to supply electricity under any license, order, or special Act.

All offences, forfeitures, penalties, and damages under the said incorporated provisions of the said Acts or any of them may be

prosecuted and may be recovered in manner by the said Acts respectively enacted in relation thereto provided that sums recoverable under the provisions of section forty of the Gasworks Clauses Act, 1871, shall not be recovered as penalties, but may be recovered summarily as civil debts

Restriction on breaking up of private streets, railways, and tramways

13. Nothing in this Act or in any Act incorporated therewith shall authorise or empower the undertakers to break up any street which is not repairable by such local authority, or any railway or tramway, without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, unless in pursuance of special powers in that behalf inserted in the license, order, or special Act, or with the written consent of the Board of Trade and the Board of Trade shall not in any case insert any such special powers in any license or provisional order, or give any such consent until notice has been given to such authority, company, or person by advertisement or otherwise, as the Board of Trade may direct, and an opportunity has been given to such authority, company, or person to state any objections they may have thereto

Restrictions as to above-ground works

14. Notwithstanding anything in this Act or in any Act incorporated therewith, the undertakers shall not be authorised to place any electric line above ground, along, over, or across any street, without the express consent of the local authority, and the local authority may require the undertakers to forthwith remove any electric line placed by them contrary to the provisions of this section, or may themselves remove the same, and recover the expenses of such removal from the undertakers in a summary manner, and where any electric line has been placed above ground by the undertakers in any position, a court of summary jurisdiction upon complaint made, if they are of opinion that such electric line is or is likely to become dangerous to the public safety, may, notwithstanding any such consent as aforesaid, make an order directing and authorising the removal of such electric line by such person and upon such terms as they may think fit

Power to undertakers to alter position of pipes and wires

15. Subject to the provisions of this Act and of the license, order, or special Act authorising them to supply electricity, and to any byelaws made under this Act, the undertakers may alter the position of any pipes or wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under this Act, on previously making or securing such compensation to the owners of such pipes or wires, and on complying with such conditions as to the mode of making such alterations as may before the commencement of such alterations be agreed upon between the undertakers and owners, or in case of difference as may be determined in manner prescribed by the license or provisional order authorising the undertakers to supply electricity or where no such manner is prescribed as may be determined by arbitration, and any local or other public authority, company, or person may in like manner alter the position of any electric lines or works of the undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such local or other public authority, company, or person in relation to such street or place, subject to the like provisions, conditions, and restric-

tions as are in this section contained with reference to the alteration of the position of any pipes or wires by the undertakers

Clause for protection of canals

16. If at any time after the undertakers have placed any works under, in upon, over, along or across any canal any person having power to construct docks, basins or other works upon any land adjoining to or near such canal, constructs any dock, basin or work on such land, but is prevented by the works of the undertakers from forming a communication for the convenient passage of vessels with or without masts between such dock, basin or other work, and such canal, or if the business of such dock, basin or other work is interfered with by reason or in consequence of any such works of the undertakers, then the undertakers at the request of such person, and on having reasonable facilities afforded them by him for placing works round such dock, basin or other work, under, in, upon, over, along or across land belonging to or under his control, shall remove and place their work accordingly If any dispute arises between the undertakers and such person as to the facilities to be afforded to the undertakers, or as to the direction in which the works are to be placed, it shall be determined by arbitration

Compensation for damage

17. In the exercise of the powers in relation to the execution of works given them under this Act, or any license, order, or special Act, the undertakers shall cause as little detriment and inconvenience and do as little damage as may be, and shall make full compensation to all bodies and persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation in case of difference to be determined by arbitration

Undertakers not to prescribe special form of lamp or burner

18. The undertakers shall not be entitled to prescribe any special form of lamp or burner to be used by any company or person, or in any way to control or interfere with the manner in which electricity supplied by them under this Act, and any license, order, or special Act is used · Provided always that no local authority, company, or person shall be at liberty to use any form of lamp or burner or to use the electricity supplied to them for any purposes, or to deal with it in any manner so as to unduly or improperly interfere with the supply of electricity supplied to any other local authority, company, or person by the undertakers, and if any dispute or difference arises between the undertakers, and any local authority, company, or person entitled to be supplied with electricity under this Act, or any license, order, or special Act, as to the matters aforesaid, such dispute or difference shall be determined by arbitration

Obligation on undertakers to supply electricity

19. Where a supply of electricity is provided in any part of an area for private purposes, then except in so far as is otherwise provided by the terms of the license, order, or special Act authorising such supply, every company or person within that part of the area shall, on application, be entitled to a supply on the same terms on which any other company or person in such part of the area is entitled under similar circumstances to a corresponding supply

Charges for electricity

20. The undertakers shall not, in making any agreements for a supply of electricity, show any undue preference to any local authority, company, or person, but, save as aforesaid, they may make such

charges for the supply of electricity, as may be agreed upon, not exceeding the limits of price imposed by or in pursuance of the license, order, or special Act authorising them to supply electricity.

Recovery of charges, &c.

21. If any local authority, company, or person neglect to pay any charge for electricity or any other sum due from them to the undertakers in respect of the supply of electricity to such local authority, company, or person, the undertakers may cut off such supply, and for that purpose may cut or disconnect any electric line or other work through which electricity may be supplied, and may, until such charge or other sum, together with any expenses incurred by the undertakers in cutting off such supply of electricity as aforesaid, are fully paid, but no longer, discontinue the supply of electricity to such local authority, company, or person.

Injuring works with intent to cut off supply of electricity.

22. Any person who unlawfully and maliciously cuts or injures any electric line or work with intent to cut off any supply of electricity shall be guilty of felony, and be liable to be kept in penal servitude for any term not exceeding five years, or to be imprisoned with or without hard labour for any term not exceeding two years; but nothing in this section shall exempt a person from any proceeding for any offence which is punishable under any other provision of this Act, or under any other Act, or at common law, so that no person be punished twice for the same offence.

Stealing electricity.

23. Any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses any electricity shall be guilty of simple larceny and punishable accordingly.

Power to enter lands or premises for ascertaining quantities of electricity consumed, or to remove fittings, &c.

24. Any officer appointed by the undertakers may at all reasonable times enter any premises to which electricity is or has been supplied by the undertakers, in order to inspect the electric lines, meters, accumulators, fittings, works, and apparatus for the supply of electricity belonging to the undertakers, and for the purpose of ascertaining the quantity of electricity consumed or supplied, or where a supply of electricity is no longer required, or where the undertakers are authorised to take away and cut off the supply of electricity from any premises, for the purpose of removing any electric lines, accumulators, fittings, works, or apparatus belonging to the undertakers, repairing all damage caused by such entry, inspection, or removal.

Electric lines, &c. not to be subject to distress in certain cases.

25. Where any electric lines, meters, accumulators, fittings, works, or apparatus belonging to the undertakers are placed in or upon any premises not being in the possession of the undertakers for the purpose of supplying electricity under this Act, or any license, order, or special Act, such electric lines, meters, accumulators, fittings, works, or apparatus shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be, nor to be taken in execution under any process of a court of law or equity, or any proceedings in bankruptcy against the person in whose possession the same may be.

Provision for protection of the Postmaster-General.

26. No alteration in any telegraph line of the Postmaster-General shall be made by the undertakers except subject to the provisions of the Telegraph Act, 1878.

41 & 42 Vict. c. 76.

The undertakers shall not in the exercise of the powers conferred by this Act, or by any license, order, or special Act, lay down

any electric line or do any other work for the supply of electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected, and before any such electric line is laid down or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of connexions with mains where the direction of the electric lines so laid down crosses the line of the Postmaster-General at right angles at the point of shortest distance and continues the same for a distance of six feet on each side of such point) the undertakers or their agents not more than twenty-eight nor less than seven clear days before commencing such work shall give written notice to the Postmaster-General specifying the course and nature of the work, including the gauge of any electric lines, and the undertakers and their agents shall conform with such reasonable requirements either general or special as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphs of the Postmaster-General from being injuriously affected by the said work.

Any difference which arises between the Postmaster-General and the undertakers or their agents with respect to any requirements so made, shall be determined by arbitration.

In the event of any contravention of or wilful non-compliance with this section by the undertakers or their agents the undertakers shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues, or, if the telegraphic communication is wilfully interrupted, not exceeding fifty pounds for every day on which such interruption continues.

Provided that nothing in this section shall subject the undertakers or their agents to a fine under this section, if they satisfy the court having cognizance of the case that the immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice.

For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected by such work, or by any use made of such work.

For the purposes of this section, and subject as therein provided, sections two, seven, eight, nine, ten, eleven, and twelve of the Telegraph Act, 1878, shall be deemed to be incorporated with this Act, as if the undertakers were undertakers within the meaning of those sections, without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

Purchase of undertaking by local authority.

27. Where any undertakers are authorised by a provisional order or special Act to supply electricity within any area, any local authority within whose jurisdiction such area or any part thereof is

situated may, within six months after the expiration of a period of twenty-one years, or such shorter period as is specified in that behalf in the application for the provisional order or in the special Act, from the date of the passing of the Act confirming such provisional order, or of such special Act, and within six months after the expiration of every subsequent period of seven years, or such shorter period as is specified in that behalf in the application for the provisional order or in the special Act, by notice in writing require such undertakers to sell, and thereupon such undertakers shall sell to them their undertaking, or so much of the same as is within such jurisdiction, upon terms of paying the then value of all lands, buildings, works, materials, and plant of such undertakers suitable to and used by them for the purposes of their undertaking within such jurisdiction, such value to be in case of difference determined by arbitration: Provided that the value of such lands, buildings, works, materials, and plant shall be deemed to be their fair market value at the time of the purchase, due regard being had to the nature and then condition of such buildings, works, materials, and plant, and to the state of repair thereof, and the suitability of the same to the purposes of the undertaking, and, where a part only of the undertaking is purchased, to any loss occasioned by severance; but without any addition in respect of compulsory purchase or of goodwill or of any profits which may or might have been or be made from the undertaking, or of any similar considerations. The Board of Trade may determine any other questions which may arise in relation to such purchase, and may fix the date from which such purchase is to take effect, and from and after the date so fixed, or such other date as may be agreed upon between the parties, all lands, buildings, works, materials, and plant so purchased as aforesaid shall vest in the local authority which has made the purchase, freed from any debts, mortgages, or similar obligations of such undertakers or attaching to the undertaking, and the powers of such undertakers in relation to the supply of electricity under this Act or such provisional order or special Act as aforesaid within such area or part thereof as aforesaid shall absolutely cease and determine, and shall vest in the local authority aforesaid.

Arbitration.

28. Where any matter is by this Act, or any license, order, or special Act, directed to be determined by arbitration, such matter shall, except as otherwise expressly provided, be determined by an engineer or other fit person to be nominated as arbitrator by the Board of Trade on the application of either party, and the expenses of the arbitration shall be borne and paid as the arbitrator directs.

Any license or provisional order granted under this Act shall be deemed to be a special Act within the meaning of the Board of Trade Arbitrations, &c., Act, 1874.

37 & 38 Vict. c. 40.

Power for Board of Trade to relieve gas undertakers from obligation to supply gas in certain cases.

29. Where a supply of electricity is authorised in any area by any license, order, or special Act, and a supply of gas by any gas undertakers is also authorised within such area or any part thereof by any provisional order or special Act under the provisions of which such gas undertakers are under any general or limited obligation to supply gas upon demand, the Board of Trade may, upon

the application of such gas undertakers, inquire into the circumstances of the case, and if they are satisfied that any specified part of such area is sufficiently supplied with electric light, and that the supply of gas in such specified part has ceased to be remunerative to the gas undertakers, and that it is just that such gas undertakers should be relieved from the obligation to supply gas upon demand as aforesaid, the Board of Trade may in their discretion make an order relieving the gas undertakers from such obligation, within such specified part of such area, either wholly or in part, and upon such terms and conditions as they may think proper; and from and after the date of such order such gas undertakers shall be so relieved accordingly. All expenses of the Board of Trade in connexion with any such inquiry or order shall be borne and paid by the gas undertakers upon whose application the inquiry or order was made.

Annual report by Board of Trade.

30. Not later than the first day of July in each year the Board of Trade shall lay before both Houses of Parliament a report respecting the applications to and proceedings of the Board of Trade under this Act during the year then last past.

Definition of local authority, &c.

31. In this Act, unless the context otherwise requires, the expressions "local authority" and "local rate" mean, as respects each district set forth in the first column of the schedule to this Act annexed, the authority and rate mentioned opposite to that district in the second and third columns of that schedule; and such schedule, and the notes appended thereto, shall be of the same validity as if enacted in the body of the Act.

Interpretation.

32. In this Act, unless the context otherwise requires—

The expression "electricity" means electricity, electric current, or any like agency:

The expression "electric line" means a wire or wires, conductor, or other means used for the purpose of conveying, transmitting, or distributing electricity with any casing, coating, covering, tube, pipe, or insulator enclosing, surrounding, or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity or electric currents:

The expression "works" means and includes electric lines, also any buildings, machinery, engines, works, matters, or things of whatever description required to supply electricity and to carry into effect the object of the undertakers under this Act:

The expression "company" means any body of persons corporate or unincorporate:

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

The expression "Lands Clauses Acts" means the Lands Clauses Consolidation Acts, 1845, 1860, and 1869:

The expression "street" includes any square, court, or alley, highway, lane, road, thoroughfare, or public passage, or place, within the area in which the undertakers are authorised to supply electricity by this Act or any license, order, or special Act:

32 & 33 Vict. c. 73.

The expression "telegram" has the same meaning as in the Telegraph Act, 1869.

33. Nothing in this Act shall limit or interfere with the rights of any owner, lessee, or occupier of any mines or minerals lying under or adjacent to any road along or across which any electric line shall be laid to work such mines and minerals. For the protection of mines.

34. Nothing in this Act shall exempt the undertakers or their undertaking from the provisions of any general Act relating to the supply of electricity which may be passed in this or any future session of Parliament. Provision as to general Acts.

35. Nothing in this Act or in any license, order, or special Act, shall affect the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act, 1869, or authorise or enable any local authority, company, or person to transmit any telegram or to perform any of the incidental services of receiving, collecting, or delivering telegrams, or give to any local authority, company, or person, any power, authority, or facility of any kind whatever, in connexion with the transmission of telegrams, or the performance of any of the incidental services of receiving, collecting, or delivering telegrams. Saving for privileges of Postmaster-General.

As to Scotland.

36. This Act shall apply to Scotland with the following modifications: Application of Act to Scotland.

The expression "Lands Clauses Acts" means the Lands Clauses Consolidation (Scotland) Acts, 1845 and 1860. 8 & 9 Vict. c. 19.

The expression "simple larceny" means theft.

The expression "felony" means a high crime and offence.

The expression "public purposes" means lighting any street or any place belonging to or subject to the control of any public authority, or any church or place of public worship, or any hall or building belonging to or subject to the control of any public authority, or any public theatre, but shall not include any other purpose to which electricity may be applied.

The expression "local authority" means as regards streets and roads the authority having the control of the streets and roads.

As to Ireland.

37. This Act shall apply to Ireland with the following modifications: Application of Act to Ireland.

Where the consent of the grand jury of any county to the breaking up of any road is required under this Act, such consent may be signified by the county surveyor; and where it is required under this Act that notice should be given by the Board of Trade to the grand jury of any county, and an opportunity afforded to such grand jury to state objections, such notice may be given to, and such objections may be stated by, the county surveyor on behalf of the grand jury:

The expression "Public Health Act, 1875," means the Public Health (Ireland) Act, 1878. 41 & 42 Vict. c. 52.

SCHEDULE.

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.	The Local Rate.	Security upon which Loans are to be contracted.	Authority whose Consent is required to borrowing by Local Authority.	Provisions and Restrictions as to borrowing and the Repayment of Loans.	Mode of Audit of Accounts of Local Authority.
ENGLAND AND WALES.						
The city of London and the liberties thereof.	The Mayor, Commonalty, and Citizens acting by the Commissioners of Sewers.	The consolidated sewers rate.				
Parts of the metropolis which the Metropolitan Board of Works are authorised to light.	The Metropolitan Board of Works.	The consolidated rate.				
Parish mentioned in Schedule A. to the Metropolis Management Act, 1855. District mentioned in Schedule B to the Metropolis Management Act, 1855.	The vestry The district board.	The lighting rate or other fund or rate applicable for lighting.	The local rate as herein defined.	The Metropolitan Board of Works.	Those contained in sections one hundred and eighty-three to one hundred and ninety-one (both inclusive) of the Metropolis Management Act, 1855.	That prescribed by section one hundred and ninety-five of the Metropolis Management Act, 1855.
Urban sanitary district (1).	The urban sanitary authority (1).	The fund or rate applicable to the general purposes of the Public Health Act, 1875, in the district, or any other fund or rate applicable to lighting under any local Act.	The local rate as herein defined and any property of the local authority.	The authority whose consent is required to loans under section two hundred and thirty-three of the Public Health Act, 1875.	Those contained in sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine (both inclusive) of the Public Health Act, 1875.	In the case of boroughs (2), that prescribed by section two hundred and forty-six of the Public Health Act 1875, and in the case of other urban sanitary authorities that prescribed by section two hundred and forty-seven of the same Act.
Rural sanitary district (1).	The rural sanitary authority (1).	The rate or rates out of which special expenses incurred in respect of the contributory place or places (1) comprised within the area of supply are payable under the Public Health Act, 1875.	The local rate as herein defined.	The authority whose consent is required to loans under section two hundred and thirty-three of the Public Health Act, 1875.	Those contained in sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine (both inclusive) of the Public Health Act, 1875.	That prescribed by section two hundred and forty-eight of the Public Health Act, 1875.

NOTES.

(1) "Urban sanitary district," "urban sanitary authority," "rural sanitary district," "rural sanitary authority," and "contributory place," have the meanings respectively assigned to them in the Public Health Act, 1875.

(2) "Borough" means any place for the time being subject to an Act passed in the session holden in the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled, "An Act to provide for the Regulation of Municipal Corporations in England and Wales," and the Acts amending the same.

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.	The Local Rate.	Security upon which Loans are to be contracted.	Authority whose Consent is required to borrowing by Local Authority.	Provisions and Restrictions as to borrowing and the Repayment of Loans.	Mode of Audit of Accounts of Local Authority.
			SCOTLAND.			
Places within the jurisdiction of any town council, and not subject to any such separate jurisdiction as herein-after mentioned.	The town council.	The police or burgh assessment, or rate of the nature of a burgh assessment.	The local rate as herein defined.	One of Her Majesty's Principal Secretaries of State.	Those contained in section eighty-six of the Public Health (Scotland) Act, 1867.	That prescribed by sections seventy-seven and seventy-eight of the General Police and Improvement (Scotland) Act, 1862, provided that the expression "Commissioners" shall include town council.
Places within the jurisdiction of police commissioners or trustees exercising the functions of police commissioners under any general or local Act, and not subject to such jurisdiction as herein-after mentioned.	The police commissioners or trustees.					
Places within the jurisdiction or limits of any public commissioners or board (other than any of the bodies herein-before mentioned) charged by any local Act with the duty of lighting the district within their jurisdiction or limits with gas.	The commissioners or board.	The gas rates leviable by the commissioners or board.	The local rate as herein defined, and the rates, charges, and other securities provided by the local Act.	One of Her Majesty's Principal Secretaries of State.	Those contained in the local Act with respect to the borrowing of money for the purposes thereof.	That prescribed by the local Act.
Any county or part thereof over which the jurisdiction of a town council or of police commissioners or trustees exercising the functions of police commissioners does not extend, and not within the jurisdiction or limits of such public commissioners or board as above mentioned.	The county road board.	The county road assessment.	The local rate as herein defined.	One of Her Majesty's Principal Secretaries of State.	Those contained in sections seventy-five to seventy-nine, both inclusive, of the Roads and Bridges (Scotland) Act, 1878.	That prescribed by section one hundred and twenty of the Roads and Bridges (Scotland) Act, 1878.
			IRELAND.			
Urban sanitary district (1).	The urban sanitary authority (1).	The rate or rates applicable to the general purposes of the Public Health (Ireland) Act, 1878, or any other fund or rate applicable to lighting under any Local Act.	The local rate as herein defined.	The authority whose consent is required to loans under section two hundred and thirty-seven of the Public Health (Ireland) Act, 1878.	Those contained in sections two hundred and thirty-seven, two hundred and thirty-eight, and two hundred and forty to two hundred and forty-three (both inclusive) of the Public Health (Ireland) Act, 1878.	That prescribed by section two hundred and forty-eight of the Public Health (Ireland) Act, 1878.
Rural sanitary district (1).	The rural sanitary authority (1).	The rate or rates out of which special expenses incurred in respect of the contributory place or places (1) comprised within the area of supply are payable under the Public Health (Ireland) Act, 1878.	The local rate as herein defined.	The authority whose consent is required to loans under section two hundred and thirty-seven of the Public Health (Ireland) Act, 1878.	Those contained in sections two hundred and thirty-seven, two hundred and thirty-eight, and two hundred and forty to two hundred and forty-three (both inclusive) of the Public Health (Ireland) Act, 1878.	That prescribed by section two hundred and forty-eight of the Public Health (Ireland) Act, 1878.

NOTE.

(1.) "Urban sanitary district," "urban sanitary authority," "rural sanitary district," "rural sanitary authority," and "contributory place," have the meanings respectively assigned to them in the Public Health (Ireland) Act, 1878.

CHAPTER 57.

An Act to amend the law relating to Costs and Salaries in County Courts. [18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act is one of the County Courts Acts, and may be cited for all purposes as the County Courts (Costs and Salaries) Act, 1882.

9 & 10 Vict c 95 sec 91 repealed, and enactment in lieu thereof

2. So much of section ninety-one of the County Courts Act, 1846 as is still in force is hereby repealed, and the following provisions shall from and after the passing of this Act take effect in lieu thereof, that is to say: No person other than a solicitor of the Supreme Court shall be entitled to have or recover any fee or reward for appearing or acting on behalf of any other party in any proceeding in a county court: Provided always, that nothing in this Act contained shall affect the right of any barrister-at-law to appear or act in any county court, or of any solicitor of the Supreme Court to recover costs in respect of his employment of a barrister-at-law to appear or act as aforesaid

29 & 30 Vict c 14 s. 2 partly repealed

3. So much of section two of the County Courts Act, 1866, as limits the salaries and expenses of the persons by whom the accounts of the county courts are to be examined is hereby repealed.

Construction of s 5 of 30 & 31 Vict c. 142

4. Section five of the thirtieth and thirty-first years of the reign of Victoria, chapter one hundred and forty-two, shall be read and construed as if the words "less than" were substituted for the words "not exceeding."

Award of costs.

5. Notwithstanding any Act of Parliament or any rule to the contrary, it shall be in the power of the judge of a county court to award costs on the higher scale to the plaintiff on any amount recovered, however small, or to the defendant who successfully defends an action brought for any amount, however small, provided the said judge certify that the action involved some novel or difficult point of law, or that the question litigated was of importance to some class or body of persons or of general or public interest.

CHAPTER 58.

An Act to amend the Divided Parishes and Poor Law Amendment Act, 1876; and for other purposes. [18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title

39 & 40 Vict c. 61.

1. This Act may be cited as the Divided Parishes and Poor Law Amendment Act, 1882, and shall be construed as one with the Divided Parishes and Poor Law Amendment Act, 1876, in this Act referred to as the principal Act, and the Acts amending the same.

Detached Parts of Parishes.

2. Where any part of a parish is isolated or detached from the other part or parts of the parish, and is wholly surrounded by another parish, such part shall, from and after the twenty-fifth day of March one thousand eight hundred and eighty-three, be amalgamated with the last-mentioned parish in the same manner and with the same consequences and limitations in every respect, subject nevertheless as herein-after mentioned, as if the amalgamation had been effected by an order of the Local Government Board under the principal Act, and such part shall be deemed to be within the same county as the parish with which it is amalgamated.

Detached parts of parishes to form parts of parishes surrounding them.

Provided as follows:

(1.) If two or more isolated or detached parts of parishes adjoin each other, and such parts together are wholly surrounded by another parish, the same shall for the purposes of this Act be deemed one isolated or detached part.

(2.) If any question should arise as to whether part of a parish is isolated or detached from the other part or parts of the parish, or is wholly surrounded by another parish, the Local Government Board may by order determine the question.

(3.) This section shall not apply to any parish situate wholly or partly in the metropolis.

3. Where the parish with which any such isolated or detached part of a parish as aforesaid becomes amalgamated, under the provisions of this Act, is not a place separately maintaining its own highways, or entitled to return a separate waywarden to a highway board, the Local Government Board may deal with such parish for highway purposes by an order in like manner as they would have been enabled to deal with the same by a supplemental order under section seven of the Poor Law Act, 1879, if the amalgamation had been effected prior to the passing of that Act by an order under the principal Act.

Provision for parishes not separately maintaining highways.

42 & 43 Vict. c. 54.

4. If the population of any such isolated or detached part of a parish as aforesaid exceeds three hundred persons, one tenth in number and rateable value of the persons appearing on the rate in force for the time being to be rated to the relief of the poor in respect of property within such part may apply to the Local Government Board, in writing, on or before the first day of December next, to have the same declared to be a separate parish, and the Board may by order either dismiss the application or constitute such part a separate parish from and after a day to be fixed by the order; and if an order is made dismissing the application, section two of this Act shall not take effect with respect to such part until such order is made.

Detached parts with a population exceeding 300 may be made separate parishes.

An order constituting a parish under this section shall have the same consequences and may contain the same provisions as if the same were made under the principal Act, but section two of that Act shall not apply to such order.

5. Notwithstanding anything contained in the principal Act, any alteration of an area made by or pursuant to this Act shall extend to alter the constitution of the school districts, unless the Education Department otherwise direct.

Provision as to school districts.

Extension of 39 & 40 Vict. c. 61. s. 5.

6. Section five of the principal Act shall apply to any parish in a highway district, although it may not be a parish for which a waywarden can be elected.

Interpretation of county.

7. For the purposes of the principal Act, and the Acts amending the same, a riding or other division of a county having a separate court of quarter sessions, or for which a separate county treasurer may be appointed, shall be deemed to be a separate county.

Poor Law Amendments.

Power to alter wards for election of guardians in certain cases. 35 & 36 Vict. c. 79. 38 & 39 Vict. c. 55.

8. Any wards already formed or hereafter to be formed by the Local Government Board under the Public Health Act, 1872, or the Public Health Act, 1875, for the election of guardians of the poor, and the number of guardians to be elected for such wards respectively, may be altered from time to time by that Board as they may think fit.

Adjustment of liabilities in asylum district. 30 & 31 Vict. c. 6.

9. Where the Local Government Board, by order, under section six of the Metropolitan Poor Act, 1867, have altered, or shall hereafter alter, any district formed under that Act, they may ascertain the proportionate value of the property and the amount of the obligations of every parish or union affected by the change, and may fix the amount to be received, or paid, or secured to be paid by every such parish or union.

Provision for separate rate.

10. If, for the purpose of giving effect to any adjustment which the Local Government Board are authorised or required to make under the Poor Law Amendment Act, 1834, or the Acts amending the same, it is necessary that a separate rate should be levied on part of a parish only, the Board may in the order of adjustment direct such rate to be made, and the same shall be assessed, made, allowed, published, collected, and levied in the same manner and by the same persons as if it were a poor rate and extended to the whole parish.

Adjustment of liabilities not required in certain cases.

11. It shall not be incumbent on the Local Government Board to make an adjustment under the Poor Law Amendment Act, 1834, or the Acts amending the same, in any case where the circumstances appear to them to render such adjustment inexpedient or unnecessary.

Mode of consent by guardians and managers.

12. Where, under the Poor Law Amendment Act, 1834, or any of the Acts amending the same, the consent in writing of a majority of the guardians of a union or the managers of a school district is required it shall be deemed a sufficient compliance with such requirement if a resolution giving consent is passed at a meeting of the guardians or managers, of which meeting, and of the business to be transacted thereat, not less than fourteen days notice shall be given to each guardian or manager.

Extension of 25 & 26 Vict. c. 43. s. 1.

13. The guardians of any union who send any pauper child to a school certified under the Act of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter forty-three, may pay the reasonable expenses incurred in the maintenance, clothing, and education of such child whilst in such school to an amount not exceeding such rate of payment as may be sanctioned by the Local Government Board for pauper children sent to such school, anything contained in the said Act to the contrary notwithstanding.

14. The following enactments are hereby repealed, viz.— Repeal of 20 Vict. c. 19. s. 2 and 4 & 5 Will. 4. c. 76. s. 18.

(1.) Section two of the Act of the twentieth year of the reign of Her present Majesty, chapter nineteen, relating to the appointment of overseers for extra-parochial places in certain cases;

(2.) So much of section eighteen of the Poor Law Amendment Act, 1834, as requires copies of the orders of the Poor Law Commissioners to be sealed or stamped with their seal; and

(3.) So much of section six of the Union and Parish Property Act, 1835, and of the schedule to that Act, and so much of section six of the Parish Property and Parish Debts Act, 1842, as relate to the transmission to the Poor Law Commissioners, and the approval, sealing, and registration by such Commissioners of deeds or other instruments, except as regards deeds or instruments executed prior to the date of this Act; and nothing in the said Acts, or in the Poor Law Amendment Act, 1834, or in the Union Loans Act, 1869, or the Acts amending or extending those Acts respectively, shall be deemed to require the approval or registration by the Local Government Board of any such deed or instrument as aforesaid, or of any lease or agreement for lease made or entered into under the authority of those Acts or any of them. 5 & 6 Will. 4. c. 69. 5 & 6 Vict. c. 18. 4 & 5 Will. 4. c. 76. 32 & 33 Vict. c. 45.

Provided that the guardians or managers, as the case may be, shall keep a register of the securities in respect of all sums borrowed by them, in such form and subject to such regulations as to inspection or otherwise as the Local Government Board may from time to time prescribe.

CHAPTER 59.

An Act to reorganise the Educational Endowments of Scotland. [18th August 1882.]

WHEREAS it is desirable to extend the usefulness of educational endowments in Scotland, and to carry out more fully than is done at present the spirit of the founders' intentions, and so far as may be to make an adequate portion of such endowments available for affording to boys and girls of promise opportunities for obtaining higher education of the kind best suited to aid their advancement in life:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. For the purposes of this Act, unless the context otherwise requires,— Interpretation of terms.

"Educational endowment" shall mean any property, heritable or moveable, dedicated to charitable uses, and which has been applied or is applicable in whole or in part, whether by the declared intention of the founder or the consent of the governing body or by custom or otherwise, to educational purposes, but shall not, except with the consent of the governing body,

include the funds, whether capital or revenue, of any incorporation or society contributed or paid by the members of such incorporation or society by way of entry moneys or other fixed or stated payments, nor burgess fines paid to any such incorporation or corporate society except as herein-after provided:

"Governing body" shall mean the managers, governors, or trustees of any endowment or other persons having the administration of the revenues thereof:

"Burgh" shall mean royal or parliamentary burgh:

"Scotch Education Department" shall mean the Lords of the Committee of the Privy Council on Education in Scotland:

"The Commissioners" shall mean the Commissioners appointed under this Act, and "Commissioner" shall mean one of such Commissioners:

"The Court of Session" shall mean either division of the Inner House of the said Court.

Short title.

2. This Act may be cited as the Educational Endowments (Scotland) Act, 1882.

Commencement of Act.

3. This Act shall, except as herein-after otherwise provided, come into operation on the first day of November one thousand eight hundred and eighty-two, which date is in this Act referred to as the commencement of this Act.

Commissioners.

Appointment of Commissioners.

4. For the purposes of this Act it shall be lawful for Her Majesty to appoint seven Commissioners, and to appoint a secretary to the Commissioners, and as vacancies occur to supply such vacancies. The Commissioners and secretary shall hold office during Her Majesty's pleasure. The Commissioners of Her Majesty's Treasury may assign such salaries as they think fit to the said secretary, and to such assistant commissioners, officers, and clerks as may be appointed by the Commissioners during their pleasure, with the approval of the Commissioners of the Treasury.

Her Majesty may from time to time appoint one of the Commissioners to be chairman.

The Commissioners of Public Works shall provide a suitable office in Edinburgh in which the business of the Commissioners may be transacted.

The Commissioners shall be paid, on scales to be approved by the Treasury, the personal and travelling expenses incurred by them on the business of the Commission. The assistant commissioners, officers, and clerks shall be paid, on scales to be approved by the Treasury, the personal and travelling expenses incurred by them when employed on the business of the Commission out of Edinburgh.

All the aforesaid salaries and personal, travelling, or office expenses, and also any expenses incurred by the Scotch Education Department under this Act, shall be paid out of moneys to be voted by Parliament.

The Commissioners shall receive no payment except for such personal and travelling expenses as aforesaid.

The provisions of this section shall have effect from and after the passing of this Act.

Powers of Commissioners.

5. Subject to the provisions herein-after contained the Commissioners shall have power to prepare drafts of schemes for the future government and management of educational endowments, which schemes may provide for altering the conditions and provisions of such endowments, including the powers of investing the funds thereof, or amalgamating, combining, or dividing such endowments, or altering the constitution of the governing bodies thereof, or uniting two or more existing governing bodies, or establishing new governing bodies with such powers as shall seem necessary, and to insert in such schemes clauses incorporating the governing bodies, whether old or new.

Provisions where governing body wholly or partly consists of members of town council, &c.

6.—(1.) Where the governing body, or a majority of the governing body, of any educational endowment as at present constituted consists of persons deriving their qualification as members thereof, either directly or indirectly, from their election to be members of the town council of any burgh or of any other public body, provision shall be made in any scheme under this Act relating to such endowment that not less than two thirds of the governing body thereof as altered by such scheme shall consist of persons elected by such town council or other public body aforesaid, or partly and in such proportion as the Commissioners shall determine by such town council or other public body aforesaid, and partly by such school board or school boards as the Commissioners, having regard to the locality or localities interested in such endowment, shall determine.

(2.) Where the governing body of any educational endowment as at present constituted consists to the extent of one half or less than one half of persons deriving their qualification as members thereof, either directly or indirectly, from their election to be members of the town council of any burgh or other public body, provision shall be made in any scheme under this Act relating to such endowment that the governing body thereof as altered by such scheme shall consist to such extent, being not less than the existing proportion on the governing body of persons deriving their qualification as aforesaid, as the Commissioners shall determine of persons elected by such town council or other public body aforesaid, or partly by such town council or other public body aforesaid, and partly by such school board or school boards as the Commissioners, having regard to the locality or localities interested in such endowment, shall determine.

(3.) Where the governing body of any educational endowment as at present constituted includes no persons deriving their qualification as members thereof, either directly or indirectly, from their election to be members of the town council of any burgh or of any other public body, provision shall be made in any scheme under this Act relating to such endowment that the governing body thereof as altered by such scheme shall consist to such extent as the Commissioners shall determine of persons elected by such town council or school board or other public body as the Commissioners, having regard to the locality or localities interested in such endowment, shall determine: Provided that this subsection shall not apply where its application would in the judgment of the Commissioners

be inconsistent with the intentions of the founder or with the purposes of the endowment.

Scope of Commission.

7. Subject to the provisions of this Act it shall be the duty of the Commissioners in reorganising as aforesaid educational endowments to have special regard to making provision for secondary or higher or technical education in public schools or otherwise in those localities to which the endowments severally belong, or in such manner as to secure to the inhabitants of those localities the benefit of such endowments, and, if the Commissioners think fit, they may provide for the establishing or the aiding of industrial museums and libraries: Provided that nothing in this Act contained shall be taken to compel the Commissioners to restrict any bursary, exhibition, scholarship, or other educational benefit attached to or tenable at any educational institution to the children of persons resident in the locality where that institution exists.

Endowments subject to Commission.

Act not to apply to certain endowments. 35 & 36 Vict. c. 62.

8. This Act shall not apply—

(1.) to any educational endowment given either by present gift made subsequently to the passing of the Education (Scotland) Act, 1872, or by the will of a testator who died subsequently to the passing of the said Act;

(2.) to any endowment belonging to, or administered by, or in the gift of any of the universities of Scotland, or any of the colleges of such universities; or

(3.) to any endowment solely or mainly applicable or applied for the purposes of theological instruction or belonging to any theological institution,

unless the founder or the governing body of such educational endowment, or the senatus academicus of such university respectively, shall intimate in writing to the Commissioners their consent that such endowment shall be dealt with under this Act.

Date of oldest part of endowment to be date of endowment, unless conveniently separable.

9. Where part of an endowment has been given before the passing of the Education (Scotland) Act, 1872, and another part has been given subsequently to the passing of the said Act, and the two portions cannot in the opinion of the Commissioners be conveniently separated from each other, the date of the older part of the endowment shall be held to be the date of the endowment.

Apportionment of mixed endowments.

10. Where any part of an endowment is an educational endowment within the meaning of this Act, and part of it is applicable or applied to other charitable purposes, the scheme shall be in conformity with the following provisions (except so far as the governing body of such endowment assent to the scheme departing therefrom); that is to say,

(1.) The proportion of the endowment or annual income for the time being derived therefrom which is applicable to such other charitable uses shall not be diverted by the scheme from such uses unless in the opinion of the Commissioners—

(*a*) there are no persons who are entitled to benefit out of such part of the endowment; or

(*b*) the purposes of such part of the endowment have failed altogether; or

(*c*) such purposes have become insignificant in comparison with the magnitude of such part of the endowment; or

(*d*) such purposes have become prejudicial to the public welfare:

(2.) The proportion of the endowment or annual income for the time being so applicable to such other charitable uses shall be deemed to be the proportion which, in the opinion of the Commissioners, is the proportion which has according to the average of such number of years as the Commissioners shall determine been appropriated as regards capital or applied as regards income to such uses, or if that proportion differs from the proportion which ought to have been so appropriated or applied according to the express directions of the instrument of foundation or the decree of any competent court or the statutes or regulations governing such endowment, the proportion applicable to such other charitable uses shall be the proportion which ought, according to the express directions of such instrument, or such decree or such statutes or regulations, to have been appropriated or applied to such other charitable uses:

(3.) If the proportion applicable to other charitable uses amounts to or exceeds one half of the whole of the endowment, the governing body of such endowment existing at the date of the scheme shall, so far as regards its non-educational purposes, remain unaltered by the scheme:

(4.) Where the governing body remains so unaltered, that body shall pay or apply for educational purposes such proportion as under the former provisions of this section is applicable to those purposes, or such less sum as may be fixed by the Commissioners:

(5.) When any portion of the endowment or the annual income of such portion has been accumulated and not applied to any purpose, the Commissioners shall determine whether and in what proportion such portion or income is to be considered for the purposes of this section as having been appropriated or applied for educational purposes or for other charitable uses.

Subject to the foregoing provisions of this section, the Commissioners shall have power by any scheme to deal with such endowment, and with the governing body thereof, in the same manner in all respects as if the whole of it were an educational endowment.

Application to education of non-educational endowments.

11. Any governing body having an endowment or fund which is not an educational endowment within the meaning of this Act, if there are no persons who are entitled to benefit out of the endowment, or if the purposes of the endowment have failed altogether, or have become obsolete or useless, or are otherwise sufficiently provided for, or are insignificant in comparison with the magnitude of the endowment, or are, in the opinion of such governing body, not substantially beneficial to the class of persons for whom such endowment was originally intended, or if it has been found impossible, either from the inadequacy of the endowment, or the impracticable character of the founders' intentions, to carry these intentions into effect, may intimate in writing to the Commissioners their assent to the endowment being deemed to be,

and thereafter such endowment may be dealt with in all respects as if it were, an educational endowment.

Endowments for apprenticeship fees, maintenance, and clothing to be deemed educational.

12. For the purposes and subject to the provisions of this Act endowments for the payment of apprenticeship fees, or for the advancement in life, or for the maintenance or clothing, or otherwise for the benefit of poor children, and the funds and property of the Society in Scotland for Propagating Christian Knowledge so far as applicable or applied to educational purposes shall be deemed to be and may be dealt with as educational endowments.

Requisites of Schemes.

Vested interests.

13. In framing schemes the Commissioners shall save or shall make due compensation for the vested interests of individuals holding any office, place, employment, pension, compensation allowance, bursary, or emolument under or arising out of the educational or other endowment at the date of the passing of this Act, and shall provide that no funds now applied in terms of the founders' directions to free elementary education shall be diverted to any other purpose, except to the extent to which such funds are manifestly in excess of the requirements for the purpose of free elementary education of the localities to which they belong.

"Elementary education" shall mean such education as may be given in the State-aided schools of Scotland pursuant to the provisions of the Education (Scotland) Act, 1872, and in terms of the Minutes of the Scotch Education Department in force for the time being, with respect to the administration of the parliamentary grant for public education.

35 & 36 Vict. c. 62.

Interests acquired after passing of Act.

14. Every interest, right, privilege, or preference which any person may acquire after the passing of this Act, in or relative to any educational endowment, or in the governing body thereof, or as member of any such governing body, or in or relative to any office, place, employment, pension, compensation allowance, bursary, or emolument in the gift of any such governing body, shall be subject to the provisions of any scheme made under this Act; and the governing body of an educational endowment shall not, during the continuance of the power of making schemes under this Act, begin to build, rebuild, or enlarge any school buildings, or teachers' residences, or buildings connected therewith, except with the written consent of the Commissioners, or under the directions of such a scheme, but this provision shall not prevent them from continuing any works begun before the passing of this Act, or from doing anything necessary for the repair or maintenance of buildings or residences existing at the passing of this Act.

Interests of particular classes to be kept in view.

15. In framing schemes it shall be the duty of the Commissioners, with respect alike to the constitution of the governing body and to educational provisions, to have regard to the spirit of founders' intentions, and in every scheme which abolishes or modifies any privileges or educational advantages to which a particular class of persons is entitled, whether as inhabitants of a particular area or as belonging to a particular class in life or otherwise, they shall have regard to the educational interests of such class of persons: Provided always, that where the founder of any educational endowment has expressly provided for the education of

children belonging to the poorer classes, either generally or within a particular area, or otherwise for their benefit, such endowment for such education or otherwise for their benefit shall continue, so far as requisite, to be applied for the benefit of such children.

Selection of beneficiaries.

16. In framing schemes the Commissioners shall provide that in making a selection from amongst those eligible for the benefits of any educational endowment, due regard shall be paid to merit as ascertained by examination, or in such other manner as the Commissioners shall determine.

Benefits to be extended to girls.

17. In framing schemes provision shall be made, so far as can be equitably arranged and as the circumstances of each particular locality require, for extending to both sexes the benefit of endowments.

Tenure of office of teachers, &c.

18. In every scheme the Commissioners shall provide for the dismissal at pleasure of every officer in the employment of the governing body and of every teacher and officer in the endowed school or schools to which the scheme relates, including the principal teacher or teachers, with or without a power of appeal in such cases and to such authority as to the Commissioners may seem expedient. A scheme may provide for the removal of any religious tests or qualifications applicable to teachers.

Inspection and audit.

19. Every scheme shall provide for the periodical inspection of any school sharing in any endowment, and for the periodical audit of the accounts of any endowment dealt with by the scheme, in such manner as the Scotch Education Department may from time to time prescribe. The cost of such audit and, except in the case of public or State-aided schools, the cost of such inspection shall be paid out of the funds of the endowment to which the scheme relates.

Provision for future alteration of schemes.

20. In any scheme the Commissioners may provide for the alteration of the scheme from time to time by the Court of Session upon application made with the consent of the Scotch Education Department by the governing body or any party interested, provided such alteration shall not be contrary to anything contained in this Act; and the governing body constituted under any provisional order passed in terms of the Endowed Institutions (Scotland) Act, or the Endowed Institutions (Scotland) Act, 1878, with consent of the Scotch Education Department, may apply to the court for the alteration of any such order from time to time as such governing body may deem necessary.

41 & 42 Vict. c. 48.

Procedure.

Preliminary inquiry.

21. Before preparing the draft of a scheme for any endowment or endowments the Commissioners may make such public examination or inquiry as they think proper, and shall give the governing body or governing bodies an opportunity of being heard.

Governing body may lodge draft scheme.

22. Any governing body or any governing bodies jointly may within two months after the commencement of this Act give notice in writing of their intention to submit a draft scheme for the consideration of the Commissioners, and if after such notice they submit such a scheme within four months after the commencement of this Act the Commissioners shall take it into consideration before preparing their scheme.

Printing and publication of draft schemes.

23. When the Commissioners have prepared the draft of a scheme they shall cause it to be printed, and printed copies of it to be sent to the governing body or governing bodies of the endowment or endowments to which it relates, and shall also cause the draft, or a proper abstract thereof, to be published in such manner as they think sufficient for giving information to all persons interested.

Governing body may lodge objections.

24. During two months after the first publication of the draft of a scheme the Commissioners shall receive any objections made to them in writing by any public body or persons interested respecting such scheme, and any amendments proposed thereon, and at any time after the expiration of such two months the Commissioners, if they think fit, may hold an inquiry, or they may refer the draft of the scheme, and the amendments proposed thereon, to an assistant commissioner, and direct him to hold a local public inquiry concerning the subject-matter of such scheme.

As to framing of schemes.

25. As soon as may be after the expiration of the said two months, or the holding of such inquiry by the Commissioners, or the receipt by the Commissioners of the report of the assistant commissioner on the local inquiry held by him (as the case may be), the Commissioners shall proceed to consider any objections made to them in writing respecting the draft scheme, and any amendments proposed thereon, and the report (if any), and thereupon they shall, if they think fit, frame a scheme in such form as they think expedient, and submit it for the approval of the Scotch Education Department, provided that where a scheme has been prepared and submitted in pursuance of this Act to the Commissioners, before the Commissioners have prepared the draft of a scheme, the Commissioners shall, if requested by the governing body who submitted it, submit such scheme with their own to the Scotch Education Department.

Approval of Scotch Education Department to schemes.

26. The Scotch Education Department, as soon as a scheme is submitted to them, shall, before approving the same, cause the scheme, or a proper abstract thereof, to be published in such manner as they think sufficient for giving information to all persons interested, together with a notice stating that during two months after the first publication of such notice the Scotch Education Department will receive any objections made to them in writing by any public body or persons interested respecting such scheme.

After the expiration of the said two months, unless a case has been submitted to the Court of Session within the time and in the manner herein-after provided, the Scotch Education Department may, if they think fit, approve the scheme or may remit the scheme, with such declaration as the nature of the case seems to them to require, to the Commissioners, and if they remit the scheme with a declaration the provisions contained in the immediately succeeding section shall apply.

The Scotch Education Department as soon as they approve a scheme shall forthwith, in such manner as they think sufficient for giving information to all persons interested, publish a notice that the scheme has been approved by them, and that unless within two months after the first publication of such notice a petition is presented to the Scotch Education Department as in this section men-

tioned, such scheme may be approved by Her Majesty by an Order in Council without being laid before Parliament.

During the said two months a petition praying that the scheme may be laid before Parliament may be presented to the Scotch Education Department by the governing body of the endowment to which the scheme relates, or by the town council of any burgh directly affected by the scheme, or by the school board, or by any ratepayers (not less than twenty) of any burgh or parish or place directly affected by the scheme, or by any person or persons having a vested interest in the endowment or any part of it.

Proceedings where scheme is remitted.

27. Where a scheme is remitted with a declaration the Scotch Education Department shall transmit to the Commissioners any objections made to them in writing respecting such scheme, and the Commissioners may thereupon proceed to prepare an amended scheme and may submit the same for the approval of the Scotch Education Department in the same manner and subject to the same provisions as are in this Act provided in the case of the approval of a scheme, and so on from time to time as often as occasion may require.

Quorum of Commissioners.

28. A scheme of the Commissioners shall not be submitted to the Scotch Education Department unless a majority of the Commissioners for the time being have signified in writing their approval of such scheme, but in all other respects three Commissioners may act under this Act.

Quorum of governing body.

29. The majority of members of a governing body who are present at a meeting of their body duly constituted shall have power to do anything that may be required to be done by a governing body for the purposes of this Act: Provided that this power shall be in addition to and not in restraint of any power which any meeting of such governing body may have independently of this Act.

Special case to Court of Session on questions of law.

30.—

(1.) If the governing body of any endowment to which a scheme relates, or any person or body corporate directly affected by such scheme, feel aggrieved by the scheme on the ground of the scheme being one which is not within the scope of, or made in conformity with this Act, or

(2.) if any person, holding any office, place, employment, pension, compensation allowance, bursary, or emolument under or arising out of an endowment dealt with by the scheme, feel aggrieved by the scheme on the ground that it does not save or make due compensation, as required by this Act, for his vested interests,—

such governing body, person, or body corporate may, within one month after the first publication of the scheme or amended scheme, submit a case to the Court of Session, to which the Commissioners shall and any others directly interested may be parties, for the opinion of the said Court on the question or questions therein stated, and if the Court is of opinion that the scheme is contrary to law on any of the grounds in this section mentioned, the Scotch Education Department shall not approve thereof, but they may, if they think fit, remit the same to the Commissioners with a declaration as herein-before provided.

Subject to the provisions of the immediately succeeding section, a case submitted under this section shall be framed, lodged, amended,

heard, and otherwise dealt with in the same manner, as nearly as may be, as a special case presented in terms of the sixty-third section of the Court of Session Act, 1868.

31 & 32 Vict. c. 100.

Deliverance of Court of Session final. Disposal of questions of expenses.

31. In any proceeding before the Court of Session authorised by this Act, the judgment or deliverance of the Court shall be final and not subject to review; and the Court shall dispose of all questions of expenses, and may, if they think fit, direct the expenses or any part thereof (including the expenses of the Commissioners) to be paid out of the funds of the educational endowment to which the proceeding relates: Provided always, that it shall not be lawful for the Court to find the Commissioners liable in expenses.

Scheme to be approved by Order in Council. When to be laid before Parliament.

32. If at the expiration of the time for a petition to the Scotch Education Department praying that a scheme be laid before Parliament no such petition has been presented, it shall be lawful for Her Majesty, by Order in Council, to declare her approbation of such scheme without the same being laid before Parliament.

If any such petition has been presented, the Scotch Education Department shall, as soon as may be, cause the scheme to be laid before both Houses of Parliament; and after it has lain two months before Parliament, then, unless within such two months an address has been presented by one or other of the said Houses praying Her Majesty to withhold her consent from such scheme or any part thereof, it shall be lawful for Her Majesty by Order in Council to declare her approbation of such scheme or any part thereof, to which such address does not relate.

A scheme when approved by Her Majesty in Council shall have full operation and effect from the date of such Order in Council, in the same manner as if it had been enacted in this Act; and thereupon every Act of Parliament, letters patent, statute, deed, instrument, trust, or direction relating to the subject-matter of the scheme, so far as inconsistent with the provisions thereof, shall be repealed and abrogated.

Provision as to schemes for endowments under 50*l*. annual value. 41 & 42 Vict. c. 78.

33. In the case of endowments belonging to any State-aided school or to any public school under the Education (Scotland) Acts, 1872 and 1878, of less annual value than fifty pounds, the procedure herein-before prescribed shall not apply, if the governing body of such endowment or the school board, as the case may be, frame and submit to the Scotch Education Department a scheme respecting such endowment.

The Scotch Education Department may approve such scheme with or without any modifications as they think fit.

In framing and approving such scheme the same powers may be exercised, and subject to the same conditions, as nearly as may be, as in the case of any scheme under this Act; and such scheme, when approved by the Scotch Education Department, shall have effect as if it were a scheme approved by Order in Council under this Act.

Amendment of schemes.

34. Schemes may be from time to time framed and approved for amending any scheme approved under this Act, and all the provisions of this Act relative to an original scheme shall apply also to an amending scheme, mutatis mutandis.

Evidence of scheme.

35. The Order in Council approving a scheme shall be conclusive evidence that such scheme was within the scope of and made in

conformity with this Act, and the validity of such scheme and order shall not be questioned in any legal proceedings whatever.

Inquiry by assistant commissioner.

36. Where any assistant commissioner holds a local public inquiry under this Act, he shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the place where the endowment or endowments to which the scheme relates is situate or administered, and shall thereat take and receive any evidence, oral or documentary, offered, or which may have been called for or produced under the powers contained in the immediately succeeding section, and shall hear and inquire into any objections respecting the scheme or the endowment or endowments, with power from time to time to adjourn any sitting.

Notice shall be published in such manner as the Commissioners direct of every such sitting (except an adjourned sitting) fourteen days at least before the holding thereof.

Power to cite witnesses, &c.

37. In the execution of this Act the Commissioners shall have the same powers as a judge of the Court of Session with regard to the citation and examination of witnesses and the recovery and inspection of documents, and it shall not be necessary that any warrant of citation or order shall be signed by more than one Commissioner, and if any warrant or order of the Commissioners in exercise of the said powers is not obeyed, a judge of the Court of Session may on summary application by the Commissioners grant a second warrant of citation and diligence in ordinary form, or make such other order as may be necessary.

This section shall authorise the citation and examination of witnesses and the recovery and inspection of documents before an assistant commissioner; and any assistant commissioner may administer an oath or affirmation, as the case may be, to any witness or haver.

As to report of assistant commissioner.

38. The assistant commissioner who holds a local inquiry shall make a report in writing to the Commissioners, setting forth the result of the inquiry, and whether in his opinion the draft scheme referred to him should be approved with or without alteration, and if with any, then with what alteration, and his reasons for the same, and the objections, if any, made on the inquiry and his opinion thereon.

Cost of publishing scheme, &c.

39. The cost of publishing and circulating any draft scheme, or scheme or any abstract thereof, under this Act, shall be paid out of the funds of the endowment or endowments to which the same relates. Provided that if the Scotch Education Department or the Commissioners cause any draft scheme or scheme or abstract thereof to be published in the Edinburgh Gazette no fees shall be exigible in respect of such publication.

Miscellaneous.

Service of notices.

40. Notices and documents required to be served on or sent to a governing body for the purposes of this Act may be served or sent by being left at the office, if any, of such governing body, or being served on or sent to the chairman, secretary, clerk, or other officer of such body, or if there is no office, chairman, secretary, clerk, or officer, or none known to the Commissioners after reasonable inquiry,

by being served on or sent to the principal teacher of the endowed school, if any, under such governing body.

Service by post.

41. Notices and documents required to be served or sent for the purposes of this Act may be served or sent by post, and shall be deemed to have been served and received at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notices or documents was properly addressed and put into the post office.

Signature and evidence of documents of the Scotch Education Department.

42. Any scheme, declaration, minute, notice, or other document for the purposes of this Act, if purporting to be signed by a secretary or assistant secretary of the Scotch Education Department, shall, unless the contrary is proved, be deemed to have been so signed and to have been approved or made, as the case may be, by the said Department.

Annual reports.

43. The Commissioners shall in every year make to the Scotch Education Department a report of their proceedings under this Act during the preceding year, and the Scotch Education Department shall cause such report to be laid with all convenient speed before both Houses of Parliament.

Returns, &c. by governing body.

44. Every governing body shall make such reports and returns and give to the Commissioners such information as to the funds, estates, property, and income under the control of the governing body as the Commissioners may from time to time require.

Every governing body shall make such reports and returns and give such information to the Scotch Education Department as the Department may from time to time require.

Inspection and audit where endowments regulated under former Acts. 41 & 42 Vict. c. 48.

45. The accounts of every endowment which has been regulated, in whole or in part, by a Provisional Order made and confirmed pursuant to the provisions of the Endowed Institutions (Scotland) Act, or the Endowed Institutions (Scotland) Act, 1878, shall be periodically audited, and any school sharing in such endowment shall be periodically inspected, in such manner as the Scotch Education Department may from time to time prescribe. The cost of such audit, and, except in the case of public or State-aided schools, the cost of such inspection shall be paid out of the funds of the endowment to which the Provisional Order relates.

Provision for default of governing body.

46. If the governing body of any educational endowment fail to give effect to the provisions of any scheme approved under this Act, or of any Provisional Order made and confirmed under the Endowed Institutions (Scotland) Act or the Endowed Institutions (Scotland) Act, 1878, it shall be lawful for the Scotch Education Department, upon the application of the town council of any burgh directly affected by such scheme or Provisional Order, or of the school board, or of any ratepayers (not less than twenty) of any burgh, or parish, or place directly affected thereby, or of any person or persons having a vested interest in the endowment or any part of it, and after such inquiry as they shall think proper, to send a requisition to such governing body, requiring them to give effect to the provisions of the scheme or Provisional Order, and the governing body shall comply with the said requisition without undue delay, and, if they fail, may be summarily compelled to do so by the Court

of Session, on a petition and complaint at the instance of the Lord Advocate.

47. The powers of making and approving of a scheme under this Act shall not, unless continued by Parliament, be exercised after the thirty-first of December one thousand eight hundred and eighty-seven. Duration of powers of making schemes

CHAPTER 60.

An Act to amend and extend the provisions of the Land Law (Ireland) Act, 1881, relating to Labourers Cottages and Allotments. [18th August 1882.]

WHEREAS it is expedient to amend and extend the provisions relating to labourers cottages and allotments of the Land Law (Ireland) Act, 1881: 44 & 45 Vict. c. 49.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Labourers Cottages and Allotments (Ireland) Act, 1882. Short title.

2. In this Act the expression "the principal Act" means the Land Law (Ireland) Act, 1881, and the several words and expressions to which meanings are assigned by that Act shall have the same respective meanings in this Act unless there be something in the context repugnant thereto. Interpretation of terms.

3. Where under section eight of the principal Act the landlord and tenant of any holding have agreed and declared, or shall agree and declare, by writing under their hands, what is the fair rent of the holding, and such agreement and declaration has been or shall be filed in court, the Land Commission may at any time within six months from the passing of this Act, or within twelve months from the date of the filing of such declaration and agreement, whichever shall last happen, order the tenant of such holding for the accommodation of the labourers employed thereon to improve any existing cottage or cottages, or build any new cottage or cottages, or assign to any such cottage an allotment not exceeding half an acre, and may by such order fix the terms as to rent and otherwise on which such accommodation is to be provided, and any such order may be made on the application of the landlord, or of the tenant of the holding, or of any labourer bonâ fide employed and required for the cultivation thereof. Power to Land Commission where agreement and declaration as to fair rent of holding is filed, to make an order as to the accommodation of the labourers employed on the holding

4. Where an order shall be made under this Act, or has been made or is made under section nineteen of the principal Act, for providing accommodation for the labourers employed on any holding, and such order has not been complied with within six months from the date of such order, or six months from the passing of this Act, whichever shall last happen, the person failing to comply with such order shall be liable thenceforth to a penalty of one pound for every week during which such order is not complied with, and such penalty shall be recoverable in a summary manner before two or more justices in petty sessions in manner provided by the Petty Penalty for non-compliance with order.

14 & 15 Vict. c. 93.

Sessions (Ireland) Act, 1851, upon the complaint of any labourer employed on the holding, and in whose favour such order has been or shall have been made, and the justices shall award such penalty to the guardians of the poor of the union within which the holding is situate to be applied in aid of the poor rate of such union.

Power to Land Commission to relieve from penalties.

5. Any person who has incurred any penalty under the provisions of this Act may apply to the Land Commission for relief from the same, and the Land Commission may relieve him from the whole or part of such penalty on such terms as to compliance with the order and as to costs or otherwise as the Land Commission thinks fit, and such relief may be granted notwithstanding that an order has been made at petty session for the payment of the penalty.

Construction of Act.

6. This Act and the principal Act shall be read together and construed as one Act.

CHAPTER 61.

An Act to codify the law relating to Bills of Exchange, Cheques, and Promissory Notes. [18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Bills of Exchange Act, 1882.

Interpretation of terms.

2. In this Act, unless the context otherwise requires,—

"Acceptance" means an acceptance completed by delivery or notification.

"Action" includes counter claim and set off.

"Banker" includes a body of persons whether incorporated or not who carry on the business of banking.

"Bankrupt" includes any person whose estate is vested in a trustee or assignee under the law for the time being in force relating to bankruptcy.

"Bearer" means the person in possession of a bill or note which is payable to bearer.

"Bill" means bill of exchange, and "note" means promissory note.

"Delivery" means transfer of possession, actual or constructive, from one person to another.

"Holder" means the payee or indorsee of a bill or note who is in possession of it, or the bearer thereof.

"Indorsement" means an indorsement completed by delivery.

"Issue" means the first delivery of a bill or note, complete in form to a person who takes it as a holder.

"Person" includes a body of persons whether incorporated or not.

"Value" means valuable consideration.

"Written" includes printed, and "writing" includes print.

PART II.

BILLS OF EXCHANGE.

Form and Interpretation.

3. (1.) A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to or to the order of a specified person, or to bearer. **Bill of exchange defined.**

(2.) An instrument which does not comply with these conditions, or which orders any act to be done in addition to the payment of money, is not a bill of exchange.

(3.) An order to pay out of a particular fund is not unconditional within the meaning of this section; but an unqualified order to pay, coupled with (*a*) an indication of a particular fund out of which the drawee is to re-imburse himself or a particular account to be debited with the amount, or (*b*) a statement of the transaction which gives rise to the bill, is unconditional.

(4.) A bill is not invalid by reason—

(*a*.) That it is not dated;

(*b*.) That it does not specify the value given, or that any value has been given therefor;

(*c*.) That it does not specify the place where it is drawn or the place where it is payable.

4. (1.) An inland bill is a bill which is or on the face of it purports to be (*a*) both drawn and payable within the British Islands, or (*b*) drawn within the British Islands upon some person resident therein. Any other bill is a foreign bill. **Inland and foreign bills.**

For the purposes of this Act "British Islands" mean any part of the United Kingdom of Great Britain and Ireland, the islands of Man, Guernsey, Jersey, Alderney, and Sark, and the islands adjacent to any of them being part of the dominions of Her Majesty.

(2.) Unless the contrary appear on the face of the bill the holder may treat it as an inland bill.

5. (1.) A bill may be drawn payable to, or to the order of, the drawer; or it may be drawn payable to, or to the order of, the drawee. **Effect where different parties to bill are the same person.**

(2.) Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or as a promissory note.

6. (1.) The drawee must be named or otherwise indicated in a bill with reasonable certainty. **Address to drawee.**

(2.) A bill may be addressed to two or more drawees whether they are partners or not, but an order addressed to two drawees in the alternative or to two or more drawees in succession is not a bill of exchange.

7. (1.) Where a bill is not payable to bearer, the payee must be named or otherwise indicated therein with reasonable certainty. **Certainty required as to payee.**

(2.) A bill may be made payable to two or more payees jointly, or it may be made payable in the alternative to one of two, or one or some of several payees. A bill may also be made payable to the holder of an office for the time being.

(3) Where the payee is a fictitious or non-existing person the bill may be treated as payable to bearer

What bills are negotiable.

8. (1) When a bill contains words prohibiting transfer or indicating an intention that it should not be transferable it is valid as between the parties thereto, but is not negotiable

(2) A negotiable bill may be payable either to order or to bearer

(3) A bill is payable to bearer which is expressed to be so payable, or on which the only or last indorsement is an indorsement in blank

(4) A bill is payable to order which is expressed to be so payable, or which is expressed to be payable to a particular person and does not contain words prohibiting transfer or indicating an intention that it should not be transferable

(5.) Where a bill, either originally or by indorsement, is expressed to be payable to the order of a specified person, and not to him or his order, it is nevertheless payable to him or his order at his option

Sum payable

9. (1) The sum payable by a bill is a sum certain within the meaning of this Act although it is required to be paid—

(*a*) With interest

(*b*.) By stated instalments

(*c*) By stated instalments, with a provision that upon default in payment of any instalment the whole shall become due

(*d*) According to an indicated rate of exchange or according to a rate of exchange to be ascertained as directed by the bill

(2) Where the sum payable is expressed in words and also in figures, and there is a discrepancy between the two, the sum denoted by the words is the amount payable.

(3) Where a bill is expressed to be payable with interest unless the instrument otherwise provides interest runs from the date of the bill, and if the bill is undated from the issue thereof

Bill payable on demand

10. (1) A bill is payable on demand—

(*a*) Which is expressed to be payable on demand, or at sight, or on presentation, or

(*b*) In which no time for payment is expressed

(2) Where a bill is accepted or indorsed when it is overdue it shall, as regards the acceptor who so accepts, or any indorser who so indorses it, be deemed a bill payable on demand

Bill payable at a future time

11. A bill is payable at a determinable future time within the meaning of this Act which is expressed to be payable—

(1) At a fixed period after date or sight

(2) On or at a fixed period after the occurrence of a specified event which is certain to happen, though the time of happening may be uncertain

An instrument expressed to be payable on a contingency is not a bill, and the happening of the event does not cure the defect

Omission of date in bill payable after date

12. Where a bill expressed to be payable at a fixed period after date is issued undated, or where the acceptance of a bill payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the bill shall be payable accordingly

Provided that (1) where the holder in good faith and by mistake inserts a wrong date, and (2) in every case where a wrong date is inserted, if the bill subsequently comes into the hands of a holder

in due course the bill shall not be avoided thereby, but shall operate and be payable as if the date so inserted had been the true date.

13. (1.) Where a bill or an acceptance or any indorsement on a bill is dated, the date shall, unless the contrary be proved, be deemed to be the true date of the drawing, acceptance, or indorsement, as the case may be. Ante-dating and post-dating.

(2.) A bill is not invalid by reason only that it is ante-dated or post-dated, or that it bears date on a Sunday.

14. Where a bill is not payable on demand the day on which it falls due is determined as follows: Computation of time of payment.

(1.) Three days, called days of grace, are, in every case where the bill itself does not otherwise provide, added to the time of payment as fixed by the bill, and the bill is due and payable on the last day of grace: Provided that—

(*a.*) When the last day of grace falls on Sunday, Christmas Day, Good Friday, or a day appointed by Royal proclamation as a public fast or thanksgiving day, the bill is, except in the case herein-after provided for, due and payable on the preceding business day;

(*b.*) When the last day of grace is a bank holiday (other than Christmas Day or Good Friday) under the Bank Holidays Act, 1871, and Acts amending or extending it, or when the last day of grace is a Sunday and the second day of grace is a Bank Holiday, the bill is due and payable on the succeeding business day. 34 & 35 Vict. c. 17.

(2.) Where a bill is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run and by including the day of payment.

(3.) Where a bill is payable at a fixed period after sight, the time begins to run from the date of the acceptance if the bill be accepted, and from the date of noting or protest if the bill be noted or protested for non-acceptance, or for non-delivery.

(4.) The term "month" in a bill means calendar month.

15. The drawer of a bill and any indorser may insert therein the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonoured by non-acceptance or nonpayment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not as he may think fit. Case of need.

16. The drawer of a bill, and any indorser, may insert therein an express stipulation— Optional stipulations by drawer or indorser.

(1.) Negativing or limiting his own liability to the holder:

(2.) Waiving as regards himself some or all of the holder's duties.

17. (1.) The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. Definition and requisites of acceptance.

(2.) An acceptance is invalid unless it complies with the following conditions, namely:

(*a.*) It must be written on the bill and be signed by the drawee. The mere signature of the drawee without additional words is sufficient.

(*b.*) It must not express that the drawee will perform his promise by any other means than the payment of money.

Time for acceptance.

18. A bill may be accepted—

(1.) before it has been signed by the drawer, or while otherwise incomplete:

(2.) When it is overdue, or after it has been dishonoured by a previous refusal to accept, or by non-payment:

(3.) When a bill payable after sight is dishonoured by non-acceptance, and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of first presentment to the drawee for acceptance.

General and qualified acceptances.

19. (1.) An acceptance is either (*a*) general or (*b*) qualified.

(2.) A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

In particular an acceptance is qualified which is—

(*a.*) conditional, that is to say, which makes payment by the acceptor dependent on the fulfilment of a condition therein stated:

(*b.*) partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn:

(*c.*) local, that is to say, an acceptance to pay only at a particular specified place:

An acceptance to pay at a particular place is a general acceptance, unless it expressly states that the bill is to be paid there only and not elsewhere:

(*d.*) qualified as to time:

(*e.*) the acceptance of some one or more of the drawees, but not of all.

Inchoate instruments.

20. (1.) Where a simple signature on a blank stamped paper is delivered by the signer in order that it may be converted into a bill, it operates as a primâ facie authority to fill it up as a complete bill for any amount the stamp will cover, using the signature for that of the drawer, or the acceptor, or an indorser; and, in like manner, when a bill is wanting in any material particular, the person in possession of it has a primâ facie authority to fill up the omission in any way he thinks fit.

(2.) In order that any such instrument when completed may be enforceable against any person who became a party thereto prior to its completion, it must be filled up within a reasonable time, and strictly in accordance with the authority given. Reasonable time for this purpose is a question of fact.

Provided that if any such instrument after completion is negotiated to a holder in due course it shall be valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up within a reasonable time and strictly in accordance with the authority given.

Delivery.

21. (1.) Every contract on a bill, whether it be the drawer's, the acceptor's, or an indorser's, is incomplete and revocable, until delivery of the instrument in order to give effect thereto.

Provided that where an acceptance is written on a bill, and the drawee gives notice to or according to the directions of the person entitled to the bill that he has accepted it, the acceptance then becomes complete and irrevocable.

(2) As between immediate parties and as regards a remote party other than a holder in due course, the delivery—

(*a*) in order to be effectual must be made either by or under the authority of the party drawing, accepting, or indorsing, as the case may be

(*b*) may be shown to have been conditional or for a special purpose only, and not for the purpose of transferring the property in the bill

But if the bill be in the hands of a holder in due course a valid delivery of the bill by all parties prior to him so as to make them liable to him is conclusively presumed.

(3) Where a bill is no longer in the possession of a party who has signed it as drawer, acceptor, or indorser, a valid and unconditional delivery by him is presumed until the contrary is proved

Capacity and Authority of Parties

Capacity of parties

22. (1) Capacity to incur liability as a party to a bill is co-extensive with capacity to contract

Provided that nothing in this section shall enable a corporation to make itself liable as drawer, acceptor, or indorser of a bill unless it is competent to it so to do under the law for the time being in force relating to corporations

(2) Where a bill is drawn or indorsed by an infant, minor, or corporation having no capacity or power to incur liability on a bill the drawing or indorsement entitles the holder to receive payment of the bill, and to enforce it against any other party thereto

Signature essential to liability

23. No person is liable as drawer, indorser or acceptor of a bill who has not signed it as such Provided that

(1) Where a person signs a bill in a trade or assumed name, he is liable thereon as if he had signed it in his own name

(2) The signature of the name of a firm is equivalent to the signature by the person so signing of the names of all persons liable as partners in that firm

Forged or unauthorised signature

24. Subject to the provisions of this Act, where a signature on a bill is forged or placed thereon without the authority of the person whose signature it purports to be, the forged or unauthorised signature is wholly inoperative and no right to retain the bill or to give a discharge therefor or to enforce payment thereof against any party thereto can be acquired through or under that signature, unless the party against whom it is sought to retain or enforce payment of the bill is precluded from setting up the forgery or want of authority

Provided that nothing in this section shall affect the ratification of an unauthorised signature not amounting to a forgery

Procuration signatures

25. A signature by procuration operates as notice that the agent has but a limited authority to sign, and the principal is only bound by such signature if the agent in so signing was acting within the actual limits of his authority

Person signing as agent or in representative capacity

26. (1) Where a person signs a bill as drawer indorser, or acceptor, and adds words to his signature, indicating that he signs for or on behalf of a principal, or in a representative character, he is not personally liable thereon, but the mere addition to his signature of words describing him as an agent, or as filling a representative character, does not exempt him from personal liability

(2.) In determining whether a signature on a bill is that of the principal or that of the agent by whose hand it is written, the construction most favourable to the validity of the instrument shall be adopted.

The Consideration for a Bill.

Value and holder for value

27. (1.) Valuable consideration for a bill may be constituted by,—

(*a.*) Any consideration sufficient to support a simple contract;

(*b.*) An antecedent debt or liability. Such a debt or liability is deemed valuable consideration whether the bill is payable on demand or at a future time.

(2.) Where value has at any time been given for a bill the holder is deemed to be a holder for value as regards the acceptor and all parties to the bill who became parties prior to such time.

(3.) Where the holder of a bill has a lien on it arising either from contract or by implication of law, he is deemed to be a holder for value to the extent of the sum for which he has a lien.

Accommodation bill or party.

28. (1.) An accommodation party to a bill is a person who has signed a bill as drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of lending his name to some other person.

(2.) An accommodation party is liable on the bill to a holder for value; and it is immaterial whether, when such holder took the bill, he knew such party to be an accommodation party or not.

Holder in due course.

29. (1.) A holder in due course is a holder who has taken a bill, complete and regular on the face of it, under the following conditions; namely,

(*a.*) That he became the holder of it before it was overdue, and without notice that it had been previously dishonoured, if such was the fact:

(*b.*) That he took the bill in good faith and for value, and that at the time the bill was negotiated to him he had no notice of any defect in the title of the person who negotiated it.

(2.) In particular the title of a person who negotiates a bill is defective within the meaning of this Act when he obtained the bill, or the acceptance thereof, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud.

(3.) A holder (whether for value or not), who derives his title to a bill through a holder in due course, and who is not himself a party to any fraud or illegality affecting it, has all the rights of that holder in due course as regards the acceptor and all parties to the bill prior to that holder.

Presumption of value and good faith.

30. (1.) Every party whose signature appears on a bill is primâ facie deemed to have become a party thereto for value.

(2.) Every holder of a bill is primâ facie deemed to be a holder in due course; but if in an action on a bill it is admitted or proved that the acceptance, issue, or subsequent negotiation of the bill is affected with fraud, duress, or force and fear, or illegality, the burden of proof is shifted, unless and until the holder proves that,

subsequent to the alleged fraud or illegality, value has in good faith been given for the bill.

Negotiation of Bills.

Negotiation of bill.

31. (1.) A bill is negotiated when it is transferred from one person to another in such a manner as to constitute the transferee the holder of the bill.

(2.) A bill payable to bearer is negotiated by delivery.

(3.) A bill payable to order is negotiated by the indorsement of the holder completed by delivery.

(4.) Where the holder of a bill payable to his order transfers it for value without indorsing it, the transfer gives the transferee such title as the transferor had in the bill, and the transferee in addition acquires the right to have the indorsement of the transferor.

(5.) Where any person is under obligation to indorse a bill in a representative capacity, he may indorse the bill in such terms as to negative personal liability.

Requisites of a valid indorsement.

32. An indorsement in order to operate as a negotiation must comply with the following conditions, namely,—

(1.) It must be written on the bill itself and be signed by the indorser. The simple signature of the indorser on the bill, without additional words, is sufficient.

An indorsement written on an allonge, or on a "copy" of a bill issued or negotiated in a country where "copies" are recognised, is deemed to be written on the bill itself.

(2.) It must be an indorsement of the entire bill. A partial indorsement, that is to say, an indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the bill to two or more indorsees severally does not operate as a negotiation of the bill.

(3.) Where a bill is payable to the order of two or more payees or indorsees who are not partners all must indorse, unless the one indorsing has authority to indorse for the others.

(4.) Where, in a bill payable to order, the payee or indorsee is wrongly designated, or his name is mis-spelt, he may indorse the bill as therein described, adding, if he think fit, his proper signature.

(5.) Where there are two or more indorsements on a bill, each indorsement is deemed to have been made in the order in which it appears on the bill, until the contrary is proved.

(6.) An indorsement may be made in blank or special. It may also contain terms making it restrictive.

Conditional indorsement.

33. Where a bill purports to be indorsed conditionally the condition may be disregarded by the payer, and payment to the indorsee is valid whether the condition has been fulfilled or not.

Indorsement in blank and special indorsement.

34. (1.) An indorsement in blank specifies no indorsee, and a bill so indorsed becomes payable to bearer.

(2.) A special indorsement specifies the person to whom, or to whose order, the bill is to be payable.

(3.) The provisions of this Act relating to a payee apply with the necessary modifications to an indorsee under a special indorsement.

(4.) When a bill has been indorsed in blank, any holder may convert the blank indorsement into a special indorsement by

writing above the indorser's signature a direction to pay the bill to or to the order of himself or some other person.

Restrictive indorsement.

35. (1.) An indorsement is restrictive which prohibits the further negotiation of the bill or which expresses that it is a mere authority to deal with the bill as thereby directed and not a transfer of the ownership thereof, as, for example, if a bill be indorsed "Pay D. only," or "Pay D. for the account of X.," or "Pay D. or order for collection."

(2.) A restrictive indorsement gives the indorsee the right to receive payment of the bill and to sue any party thereto that his indorser could have sued, but gives him no power to transfer his rights as indorsee unless it expressly authorise him to do so.

(3.) Where a restrictive indorsement authorises further transfer, all subsequent indorsees take the bill with the same rights and subject to the same liabilities as the first indorsee under the restrictive indorsement.

Negotiation of overdue or dishonoured bill.

36. (1.) Where a bill is negotiable in its origin it continues to be negotiable until it has been (*a*) restrictively indorsed or (*b*) discharged by payment or otherwise.

(2.) Where an overdue bill is negotiated, it can only be negotiated subject to any defect of title affecting it at its maturity, and thenceforward no person who takes it can acquire or give a better title than that which the person from whom he took it had.

(3.) A bill payable on demand is deemed to be overdue within the meaning and for the purposes, of this section, when it appears on the face of it to have been in circulation for an unreasonable length of time. What is an unreasonable length of time for this purpose is a question of fact.

(4.) Except where an indorsement bears date after the maturity of the bill, every negotiation is primâ facie deemed to have been effected before the bill was overdue.

(5.) Where a bill which is not overdue has been dishonoured any person who takes it with notice of the dishonour takes it subject to any defect of title attaching thereto at the time of dishonour, but nothing in this sub-section shall affect the rights of a holder in due course.

Negotiation of bill to party already liable thereon.

37. Where a bill is negotiated back to the drawer, or to a prior indorser or to the acceptor, such party may, subject to the provisions of this Act, re-issue and further negotiate the bill, but he is not entitled to enforce payment of the bill against any intervening party to whom he was previously liable.

Rights of the holder.

38. The rights and powers of the holder of a bill are as follows:

(1.) He may sue on the bill in his own name:

(2.) Where he is a holder in due course, he holds the bill free from any defect of title of prior parties, as well as from mere personal defences available to prior parties among themselves, and may enforce payment against all parties liable on the bill:

(3.) Where his title is defective (*a*) if he negotiates the bill to a holder in due course, that holder obtains a good and complete title to the bill, and (*b*) if he obtains payment of the bill the person who pays him in due course gets a valid discharge for the bill.

General Duties of the Holder.

39. (1.) Where a bill is payable after sight, presentment for acceptance is necessary in order to fix the maturity of the instrument. When presentment for acceptance is necessary.

(2.) Where a bill expressly stipulates that it shall be presented for acceptance, or where a bill is drawn payable elsewhere than at the residence or place of business of the drawee, it must be presented for acceptance before it can be presented for payment.

(3.) In no other case is presentment for acceptance necessary in order to render liable any party to the bill.

(4.) Where the holder of a bill, drawn payable elsewhere than at the place of business or residence of the drawee, has not time, with the exercise of reasonable diligence, to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused, and does not discharge the drawer and indorsers.

40. (1.) Subject to the provisions of this Act, when a bill payable after sight is negotiated, the holder must either present it for acceptance or negotiate it within a reasonable time. Time for presenting bill payable after sight.

(2.) If he do not do so, the drawer and all indorsers prior to that holder are discharged.

(3.) In determining what is a reasonable time within the meaning of this section, regard shall be had to the nature of the bill, the usage of trade with respect to similar bills, and the facts of the particular case.

41. (1.) A bill is duly presented for acceptance which is presented in accordance with the following rules: Rules as to presentment for acceptance, and excuses for non-presentment.

(*a.*) The presentment must be made by or on behalf of the holder to the drawee or to some person authorised to accept or refuse acceptance on his behalf at a reasonable hour on a business day and before the bill is overdue:

(*b.*) Where a bill is addressed to two or more drawees, who are not partners, presentment must be made to them all, unless one has authority to accept for all, then presentment may be made to him only:

(*c.*) Where the drawee is dead presentment may be made to his personal representative:

(*d.*) Where the drawee is bankrupt, presentment may be made to him or to his trustee:

(*e.*) Where authorised by agreement or usage, a presentment through the post office is sufficient.

(2.) Presentment in accordance with these rules is excused, and a bill may be treated as dishonoured by non-acceptance—

(*a.*) Where the drawee is dead or bankrupt, or is a fictitious person or a person not having capacity to contract by bill:

(*b.*) Where, after the exercise of reasonable diligence, such presentment cannot be effected:

(*c.*) Where although the presentment has been irregular, acceptance has been refused on some other ground.

(3.) The fact that the holder has reason to believe that the bill, on presentment, will be dishonoured does not excuse presentment.

Non-acceptance

42. (1) When a bill is duly presented for acceptance and is not accepted within the customary time, the person presenting it must treat it as dishonoured by non-acceptance If he do not the holder shall lose his right of recourse against the drawer and indorsers

Dishonour by non acceptance and its consequences

43. (1) A bill is dishonoured by non acceptance—

(*a*) when it is duly presented for acceptance, and such an acceptance as is prescribed by this Act is refused or cannot be obtained, or

(*b*) when presentment for acceptance is excused and the bill is not accepted

(2) Subject to the provisions of this Act when a bill is dishonoured by non acceptance, an immediate right of recourse against the drawer and indorsers accrues to the holder and no presentment for payment is necessary

Duties as to qualified acceptances

44. (1) The holder of a bill may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance may treat the bill as dishonoured by non-acceptance

(2) Where a qualified acceptance is taken, and the drawer or an indorser has not expressly or impliedly authorised the holder to take a qualified acceptance, or does not subsequently assent thereto, such drawer or indorser is discharged from his liability on the bill

The provisions of this sub-section do not apply to a partial acceptance, whereof due notice has been given Where a foreign bill has been accepted as to part, it must be protested as to the balance

(3) When the drawer or indorser of a bill receives notice of a qualified acceptance, and does not within a reasonable time express his dissent to the holder he shall be deemed to have assented thereto

Rules as to presentment for payment

45. Subject to the provisions of this Act a bill must be duly presented for payment If it be not so presented the drawer and indorsers shall be discharged

A bill is duly presented for payment which is presented in accordance with the following rules —

(1) Where the bill is not payable on demand, presentment must be made on the day it falls due

(2) Where the bill is payable on demand then, subject to the provisions of this Act, presentment must be made within a reasonable time after its issue in order to render the drawer liable, and within a reasonable time after its indorsement, in order to render the indorser liable

In determining what is a reasonable time, regard shall be had to the nature of the bill the usage of trade with regard to similar bills, and the facts of the particular case

(3) Presentment must be made by the holder or by some person authorised to receive payment on his behalf at a reasonable hour on a business day, at the proper place as herein-after defined either to the person designated by the bill as payer, or to some person authorised to pay or refuse payment on his behalf if with the exercise of reasonable diligence such person can there be found

(4) A bill is presented at the proper place —

(*a*) Where a place of payment is specified in the bill and the bill is there presented

(*b*) Where no place of payment is specified, but the address of the drawee or acceptor is given in the bill, and the bill is there presented

(*c*) Where no place of payment is specified and no address given, and the bill is presented at the drawee's or acceptor's place of business if known, and if not, at his ordinary residence if known

(*d*) In any other case if presented to the drawee or acceptor wherever he can be found or if presented at his last known place of business or residence

(5) Where a bill is presented at the proper place, and after the exercise of reasonable diligence no person authorised to pay or refuse payment can be found there, no further presentment to the drawee or acceptor is required

(6) Where a bill is drawn upon, or accepted by two or more persons who are not partners, and no place of payment is specified presentment must be made to them all

(7) Where the drawee or acceptor of a bill is dead, and no place of payment is specified, presentment must be made to a personal representative, if such there be, and with the exercise of reasonable diligence he can be found

(8) Where authorised by agreement or usage a presentment through the post office is sufficient

Excuses for delay or non presentment for payment

46. (1) Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct, or negligence When the cause of delay ceases to operate presentment must be made with reasonable diligence

(2) Presentment for payment is dispensed with,—

(*a*) Where after the exercise of reasonable diligence presentment, as required by this Act, cannot be effected

The fact that the holder has reason to believe that the bill will, on presentment be dishonoured, does not dispense with the necessity for presentment

(*b*) Where the drawee is a fictitious person

(*c*) As regards the drawer where the drawee or acceptor is not bound as between himself and the drawer, to accept or pay the bill and the drawer has no reason to believe that the bill would be paid if presented

(*d*) As regards an indorser, where the bill was accepted or made for the accommodation of that indorser, and he has no reason to expect that the bill would be paid if presented

(*e*) By waiver of presentment, express or implied

Dishonour by nonpayment

47.—(1) A bill is dishonoured by nonpayment (*a*) when it is duly presented for payment and payment is refused or cannot be obtained or (*b*) when presentment is excused and the bill is overdue and unpaid

(2) Subject to the provisions of this Act when a bill is dishonoured by nonpayment, an immediate right of recourse against the drawer and indorsers accrues to the holder

Notice of dishonour and

48. Subject to the provisions of this Act, when a bill has been dishonoured by non-acceptance or by nonpayment, notice of dis-

effect of non notice

honour must be given to the drawer and each indorser, and any drawer or indorser to whom such notice is not given is discharged, Provided that—

(1) Where a bill is dishonoured by non acceptance, and notice of dishonour is not given, the rights of a holder in due course subsequent to the omission, shall not be prejudiced by the omission

(2) Where a bill is dishonoured by non-acceptance, and due notice of dishonour is given, it shall not be necessary to give notice of a subsequent dishonour by nonpayment unless the bill shall in the meantime have been accepted

Rules as to notice of dishonour

49. Notice of dishonour in order to be valid and effectual must be given in accordance with the following rules —

(1) The notice must be given by or on behalf of the holder, or by or on behalf of an indorser who, at the time of giving it, is himself liable on the bill

(2) Notice of dishonour may be given by an agent either in his own name, or in the name of any party entitled to give notice whether that party be his principal or not

(3) Where the notice is given by or on behalf of the holder, it enures for the benefit of all subsequent holders and all prior indorsers who have a right of recourse against the party to whom it is given

(4) Where notice is given by or on behalf of an indorser entitled to give notice as herein-before provided, it enures for the benefit of the holder and all indorsers subsequent to the party to whom notice is given

(5) The notice may be given in writing or by personal communication and may be given in any terms which sufficiently identify the bill, and intimate that the bill has been dishonoured by non-acceptance or nonpayment

(6.) The return of a dishonoured bill to the drawer or an indorser is, in point of form, deemed a sufficient notice of dishonour.

(7.) A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication A misdescription of the bill shall not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

(8) Where notice of dishonour is required to be given to any person, it may be given either to the party himself, or to his agent in that behalf.

(9) Where the drawer or indorser is dead, and the party giving notice knows it, the notice must be given to a personal representative if such there be, and with the exercise of reasonable diligence he can be found

(10.) Where the drawer or indorser is bankrupt, notice may be given either to the party himself or to the trustee

(11) Where there are two or more drawers or indorsers who are not partners, notice must be given to each of them unless one of them has authority to receive such notice for the others.

(12) The notice may be given as soon as the bill is dishonoured and must be given within a reasonable time thereafter

In the absence of special circumstances notice is not deemed to have been given within a reasonable time, unless—

(*a.*) where the person giving and the person to receive notice reside in the same place, the notice is given or sent off in time to reach the latter on the day after the dishonour of the bill.

(*b.*) where the person giving and the person to receive notice reside in different places, the notice is sent off on the day after the dishonour of the bill, if there be a post at a convenient hour on that day, and if there be no such post on that day then by the next post thereafter.

(13.) Where a bill when dishonoured is in the hands of an agent, he may either himself give notice to the parties liable on the bill, or he may give notice to his principal. If he give notice to his principal, he must do so within the same time as if he were the holder, and the principal upon receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder.

(14.) Where a party to a bill receives due notice of dishonour, he has after the receipt of such notice the same period of time for giving notice to antecedent parties that the holder has after the dishonour.

(15.) Where a notice of dishonour is duly addressed and posted, the sender is deemed to have given due notice of dishonour, notwithstanding any miscarriage by the post office.

Excuses for non-notice and delay.

50.—(1.) Delay in giving notice of dishonour is excused where the delay is caused by circumstances beyond the control of the party giving notice, and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate the notice must be given with reasonable diligence.

(2.) Notice of dishonour is dispensed with—

(*a.*) When, after the exercise of reasonable diligence, notice as required by this Act cannot be given to or does not reach the drawer or indorser sought to be charged:

(*b.*) By waiver express or implied. Notice of dishonour may be waived before the time of giving notice has arrived, or after the omission to give due notice:

(*c.*) As regards the drawer in the following cases, namely, (1) where drawer and drawee are the same person, (2) where the drawee is a fictitious person or a person not having capacity to contract, (3) where the drawer is the person to whom the bill is presented for payment, (4) where the drawee or acceptor is as between himself and the drawer under no obligation to accept or pay the bill, (5) where the drawer has countermanded payment:

(*d.*) As regards the indorser in the following cases, namely, (1) where the drawee is a fictitious person or a person not having capacity to contract and the indorser was aware of the fact at the time he indorsed the bill, (2) where the indorser is the person to whom the bill is presented for payment, (3) where the bill was accepted or made for his accommodation.

Noting or protest of bill.

51.—(1.) Where an inland bill has been dishonoured it may, if the holder think fit, be noted for non-acceptance or nonpayment, as

the case may be; but it shall not be necessary to note or protest any such bill in order to preserve the recourse against the drawer or indorser.

(2.) Where a foreign bill, appearing on the face of it to be such, has been dishonoured by non-acceptance it must be duly protested for non-acceptance, and where such a bill, which has not been previously dishonoured by non-acceptance, is dishonoured by non-payment it must be duly protested for nonpayment. If it be not so protested the drawer and indorsers are discharged. Where a bill does not appear on the face of it to be a foreign bill, protest thereof in case of dishonour is unnecessary.

(3.) A bill which has been protested for non-acceptance may be subsequently protested for nonpayment.

(4.) Subject to the provisions of this Act, when a bill is noted or protested, it must be noted on the day of its dishonour. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

(5.) Where the acceptor of a bill becomes bankrupt or insolvent or suspends payment before it matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

(6.) A bill must be protested at the place where it is dishonoured: Provided that—

(*a*.) When a bill is presented through the post office, and returned by post dishonoured, it may be protested at the place to which it is returned and on the day of its return if received during business hours, and if not received during business hours, then not later than the next business day:

(*b*.) When a bill drawn payable at the place of business or residence of some person other than the drawee, has been dishonoured by non-acceptance, it must be protested for nonpayment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary.

(7.) A protest must contain a copy of the bill, and must be signed by the notary making it, and must specify—

(*a*.) The person at whose request the bill is protested:

(*b*.) The place and date of protest, the cause or reason for protesting the bill, the demand made, and the answer given, if any, or the fact that the drawee or acceptor could not be found.

(8.) Where a bill is lost or destroyed, or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

(9.) Protest is dispensed with by any circumstance which would dispense with notice of dishonour. Delay in noting or protesting is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate the bill must be noted or protested with reasonable diligence.

Duties of holder as regards drawee or acceptor.

52.—(1.) When a bill is accepted generally presentment for payment is not necessary in order to render the acceptor liable.

(2.) When by the terms of a qualified acceptance presentment for payment is required, the acceptor, in the absence of an express stipulation to that effect, is not discharged by the omission to present the bill for payment on the day that it matures.

(3.) In order to render the acceptor of a bill liable it is not necessary to protest it, or that notice of dishonour should be given to him.

(4.) Where the holder of a bill presents it for payment, he shall exhibit the bill to the person from whom he demands payment, and when a bill is paid the holder shall forthwith deliver it up to the party paying it.

Liabilities of Parties.

Funds in hands of drawee.

53.—(1.) A bill, of itself, does not operate as an assignment of funds in the hands of the drawee available for the payment thereof, and the drawee of a bill who does not accept as required by this Act is not liable on the instrument. This sub-section shall not extend to Scotland.

(2.) In Scotland, where the drawee of a bill has in his hands funds available for the payment thereof, the bill operates as an assignment of the sum for which it is drawn in favour of the holder, from the time when the bill is presented to the drawee.

Liability of acceptor.

54. The acceptor of a bill, by accepting it—

(1.) Engages that he will pay it according to the tenor of his acceptance:

(2.) Is precluded from denying to a holder in due course:

(*a.*) The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the bill;

(*b.*) In the case of a bill payable to drawer's order, the then capacity of the drawer to indorse, but not the genuineness or validity of his indorsement;

(*c.*) In the case of a bill payable to the order of a third person, the existence of the payee and his then capacity to indorse, but not the genuineness or validity of his indorsement.

Liability of drawer or indorser.

55.—(1.) The drawer of a bill by drawing it—

(*a.*) Engages that on due presentment it shall be accepted and paid according to its tenor, and that if it be dishonoured he will compensate the holder or any indorser who is compelled to pay it, provided that the requisite proceedings on dishonour be duly taken;

(*b.*) Is precluded from denying to a holder in due course the existence of the payee and his then capacity to indorse.

(2.) The indorser of a bill by indorsing it—

(*a.*) Engages that on due presentment it shall be accepted and paid according to its tenor, and that if it be dishonoured he will compensate the holder or a subsequent indorser who is compelled to pay it, provided that the requisite proceedings on dishonour be duly taken;

(*b.*) Is precluded from denying to a holder in due course the genuineness and regularity in all respects of the drawer's signature and all previous indorsements;

(*c.*) Is precluded from denying to his immediate or a subsequent indorsee that the bill was at the time of his indorsement a valid and subsisting bill, and that he had then a good title thereto.

Stranger signing bill liable as indorser.

56. Where a person signs a bill otherwise than as drawer or acceptor, he thereby incurs the liabilities of an indorser to a holder in due course.

Measure of damages against parties to dishonoured bill.

57. Where a bill is dishonoured, the measure of damages, which shall be deemed to be liquidated damages, shall be as follows:

(1.) The holder may recover from any party liable on the bill, and the drawer who has been compelled to pay the bill may recover from the acceptor, and an indorser who has been compelled to pay the bill may recover from the acceptor or from the drawer, or from a prior indorser—

(*a.*) The amount of the bill:

(*b.*) Interest thereon from the time of presentment for payment if the bill is payable on demand, and from the maturity of the bill in any other case:

(*c.*) The expenses of noting, or, when protest is necessary, and the protest has been extended, the expenses of protest.

(2.) In the case of a bill which has been dishonoured abroad, in lieu of the above damages, the holder may recover from the drawer or an indorser, and the drawer or an indorser who has been compelled to pay the bill may recover from any party liable to him, the amount of the re-exchange with interest thereon until the time of payment.

(3.) Where by this Act interest may be recovered as damages, such interest may, if justice require it, be withheld wholly or in part, and where a bill is expressed to be payable with interest at a given rate, interest as damages may or may not be given at the same rate as interest proper.

Transferor by delivery and transferee.

58.—(1.) Where the holder of a bill payable to bearer negotiates it by delivery without indorsing it, he is called a "transferor by delivery."

(2.) A transferor by delivery is not liable on the instrument.

(3.) A transferor by delivery who negotiates a bill thereby warrants to his immediate transferee being a holder for value that the bill is what it purports to be, that he has a right to transfer it, and that at the time of transfer he is not aware of any fact which renders it valueless.

Discharge of Bill.

Payment in due course.

59.—(1.) A bill is discharged by payment in due course by or on behalf of the drawee or acceptor.

"Payment in due course" means payment made at or after the maturity of the bill to the holder thereof in good faith and without notice that his title to the bill is defective.

(2.) Subject to the provisions herein-after contained, when a bill is paid by the drawer or an indorser it is not discharged; but

(*a.*) Where a bill payable to, or to the order of, a third party is paid by the drawer, the drawer may enforce payment thereof against the acceptor, but may not re-issue the bill.

(*b*.) Where a bill is paid by an indorser, or where a bill payable to drawer's order is paid by the drawer, the party paying it is remitted to his former rights as regards the acceptor or antecedent parties, and he may, if he thinks fit, strike out his own and subsequent indorsements, and again negotiate the bill.

(3.) Where an accommodation bill is paid in due course by the party accommodated the bill is discharged.

Banker paying demand draft whereon indorsement is forged.

60. When a bill payable to order on demand is drawn on a banker, and the banker on whom it is drawn pays the bill in good faith and in the ordinary course of business, it is not incumbent on the banker to show that the indorsement of the payee or any subsequent indorsement was made by or under the authority of the person whose indorsement it purports to be, and the banker is deemed to have paid the bill in due course, although such indorsement has been forged or made without authority.

Acceptor the holder at maturity.

61. When the acceptor of a bill is or becomes the holder of it at or after its maturity, in his own right, the bill is discharged.

Express waiver.

62. (1.) When the holder of a bill at or after its maturity absolutely and unconditionally renounces his rights against the acceptor the bill is discharged.

The renunciation must be in writing, unless the bill is delivered up to the acceptor.

(2.) The liabilities of any party to a bill may in like manner be renounced by the holder before, at, or after its maturity; but nothing in this section shall affect the rights of a holder in due course without notice of the renunciation.

Cancellation.

63. (1.) Where a bill is intentionally cancelled by the holder or his agent, and the cancellation is apparent thereon, the bill is discharged.

(2.) In like manner any party liable on a bill may be discharged by the intentional cancellation of his signature by the holder or his agent. In such case any indorser who would have had a right of recourse against the party whose signature is cancelled, is also discharged.

(3.) A cancellation made unintentionally, or under a mistake, or without the authority of the holder is inoperative; but where a bill or any signature thereon appears to have been cancelled the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake, or without authority.

Alteration of bill.

64. (1.) Where a bill or acceptance is materially altered without the assent of all parties liable on the bill, the bill is avoided except as against a party who has himself made, authorised, or assented to the alteration, and subsequent indorsers.

Provided that,

Where a bill has been materially altered, but the alteration is not apparent, and the bill is in the hands of a holder in due course, such holder may avail himself of the bill as if it had not been altered, and may enforce payment of it according to its original tenour.

(2.) In particular the following alterations are material, namely, any alteration of the date, the sum payable, the time of payment, the place of payment, and, where a bill has been accepted generally, the addition of a place of payment without the acceptor's assent.

Acceptance and Payment for Honour.

Acceptance for honour suprà protest.

65. (1.) Where a bill of exchange has been protested for dishonour by non-acceptance, or protested for better security, and is not overdue, any person, not being a party already liable thereon, may, with the consent of the holder, intervene and accept the bill suprà protest, for the honour of any party liable thereon, or for the honour of the person for whose account the bill is drawn.

(2.) A bill may be accepted for honour for part only of the sum for which it is drawn.

(3.) An acceptance for honour suprà protest in order to be valid must—

(*a.*) be written on the bill, and indicate that it is an acceptance for honour:

(*b.*) be signed by the acceptor for honour.

(4.) Where an acceptance for honour does not expressly state for whose honour it is made, it is deemed to be an acceptance for the honour of the drawer.

(5.) Where a bill payable after sight is accepted for honour, its maturity is calculated from the date of the noting for non-acceptance, and not from the date of the acceptance for honour.

Liability of acceptor for honour.

66. (1.) The acceptor for honour of a bill by accepting it engages that he will, on due presentment, pay the bill according to the tenor of his acceptance, if it is not paid by the drawee, provided it has been duly presented for payment, and protested for nonpayment, and that he receives notice of these facts.

(2.) The acceptor for honour is liable to the holder and to all parties to the bill subsequent to the party for whose honour he has accepted.

Presentment to acceptor for honour.

67. (1.) Where a dishonoured bill has been accepted for honour suprà protest, or contains a reference in case of need, it must be protested for nonpayment before it is presented for payment to the acceptor for honour, or referee in case of need.

(2.) Where the address of the acceptor for honour is in the same place where the bill is protested for nonpayment, the bill must be presented to him not later than the day following its maturity; and where the address of the acceptor for honour is in some place other than the place where it was protested for nonpayment, the bill must be forwarded not later than the day following its maturity for presentment to him.

(3.) Delay in presentment or non-presentment is excused by any circumstance which would excuse delay in presentment for payment or non-presentment for payment.

(4.) When a bill of exchange is dishonoured by the acceptor for honour it must be protested for nonpayment by him.

Payment for honour suprà protest.

68. (1.) Where a bill has been protested for nonpayment, any person may intervene and pay it suprà protest for the honour of any party liable thereon, or for the honour of the person for whose account the bill is drawn.

(2.) Where two or more persons offer to pay a bill for the honour of different parties, the person whose payment will discharge most parties to the bill shall have the preference.

(3.) Payment for honour suprà protest, in order to operate as such and not as a mere voluntary payment, must be attested by a notarial act of honour which may be appended to the protest or form an extension of it.

(4.) The notarial act of honour must be founded on a declaration made by the payer for honour, or his agent in that behalf, declaring his intention to pay the bill for honour, and for whose honour he pays.

(5.) Where a bill has been paid for honour, all parties subsequent to the party for whose honour it is paid are discharged, but the payer for honour is subrogated for, and succeeds to both the rights and duties of, the holder as regards the party for whose honour he pays, and all parties liable to that party.

(6.) The payer for honour on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonour is entitled to receive both the bill itself and the protest. If the holder do not on demand deliver them up he shall be liable to the payer for honour in damages.

(7.) Where the holder of a bill refuses to receive payment suprà protest he shall lose his right of recourse against any party who would have been discharged by such payment.

Lost Instruments.

Holder's right to duplicate of lost bill.

69. Where a bill has been lost before it is overdue, the person who was the holder of it may apply to the drawer to give him another bill of the same tenor, giving security to the drawer if required to indemnify him against all persons whatever in case the bill alleged to have been lost shall be found again.

If the drawer on request as aforesaid refuses to give such duplicate bill he may be compelled to do so.

Action on lost bill.

70. In any action or proceeding upon a bill, the court or a judge may order that the loss of the instrument shall not be set up, provided an indemnity be given to the satisfaction of the court or judge against the claims of any other person upon the instrument in question.

Bill in a Set.

Rules as to sets.

71. (1.) Where a bill is drawn in a set, each part of the set being numbered, and containing a reference to the other parts, the whole of the parts constitute one bill.

(2.) Where the holder of a set indorses two or more parts to different persons, he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed as if the said parts were separate bills.

(3.) Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders deemed the true owner of the bill; but nothing in this sub-section shall affect the rights of a person who in due course accepts or pays the part first presented to him.

(4.) The acceptance may be written on any part, and it must be written on one part only.

If the drawee accepts more than one part, and such accepted parts get into the hands of different holders in due course, he is liable on every such part as if it were a separate bill.

(5.) When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereof.

(6.) Subject to the preceding rules, where any one part of a bill drawn in a set is discharged by payment or otherwise, the whole bill is discharged.

Conflict of Laws.

Rules where laws conflict.

72. Where a bill drawn in one country is negotiated, accepted, or payable in another, the rights, duties, and liabilities of the parties thereto are determined as follows:—

(1.) The validity of a bill as regards requisites in form is determined by the law of the place of issue, and the validity as regards requisites in form of the supervening contracts, such as acceptance, or indorsement, or acceptance suprà protest, is determined by the law of the place where such contract was made.

Provided that—

(*a.*) Where a bill is issued out of the United Kingdom it is not invalid by reason only that it is not stamped in accordance with the law of the place of issue:

(*b.*) Where a bill, issued out of the United Kingdom, conforms, as regards requisites in form, to the law of the United Kingdom, it may, for the purpose of enforcing payment thereof, be treated as valid as between all persons who negotiate, hold, or become parties to it in the United Kingdom.

(2.) Subject to the provisions of this Act, the interpretation of the drawing, indorsement, acceptance, or acceptance suprà protest of a bill, is determined by the law of the place where such contract is made.

Provided that where an inland bill is indorsed in a foreign country the indorsement shall as regards the payer be interpreted according to the law of the United Kingdom.

(3.) The duties of the holder with respect to presentment for acceptance or payment and the necessity for or sufficiency of a protest or notice of dishonour, or otherwise, are determined by the law of the place where the act is done or the bill is dishonoured.

(4.) Where a bill is drawn out of but payable in the United Kingdom and the sum payable is not expressed in the currency of the United Kingdom, the amount shall, in the absence of some express stipulation, be calculated according to the rate of exchange for sight drafts at the place of payment on the day the bill is payable.

(5.) Where a bill is drawn in one country and is payable in another, the due date thereof is determined according to the law of the place where it is payable.

PART III.

CHEQUES ON A BANKER.

Cheque defined.

73. A cheque is a bill of exchange drawn on a banker payable on demand.

Except as otherwise provided in this Part, the provisions of this Act applicable to a bill of exchange payable on demand apply to a cheque.

Presentment of cheque for payment.

74. Subject to the provisions of this Act—

(1.) Where a cheque is not presented for payment within a reasonable time of its issue, and the drawer or the person on whose account it is drawn had the right at the time of such presentment as between him and the banker to have the cheque paid and suffers actual damage through the delay, he is discharged to the extent of such damage, that is to say, to the extent to which such drawer or person is a creditor of such banker to a larger amount than he would have been had such cheque been paid.

(2.) In determining what is a reasonable time regard shall be had to the nature of the instrument, the usage of trade and of bankers, and the facts of the particular case.

(3.) The holder of such cheque as to which such drawer or person is discharged shall be a creditor, in lieu of such drawer or person, of such banker to the extent of such discharge, and entitled to recover the amount from him.

Revocation of banker's authority.

75. The duty and authority of a banker to pay a cheque drawn on him by his customer are determined by—

(1.) Countermand of payment:

(2.) Notice of the customer's death.

Crossed Cheques.

General and special crossings defined.

76. (1.) Where a cheque bears across its face an addition of—

(*a.*) The words "and company" or any abbreviation thereof between two parallel transverse lines, either with or without the words "not negotiable"; or

(*b.*) Two parallel transverse lines simply, either with or without the words "not negotiable";

that addition constitutes a crossing, and the cheque is crossed generally.

(2.) Where a cheque bears across its face an addition of the name of a banker, either with or without the words "not negotiable," that addition constitutes a crossing, and the cheque is crossed specially and to that banker.

Crossing by drawer or after issue.

77. (1.) A cheque may be crossed generally or specially by the drawer.

(2.) Where a cheque is uncrossed, the holder may cross it generally or specially.

(3.) Where a cheque is crossed generally the holder may cross it specially.

(4.) Where a cheque is crossed generally or specially, the holder may add the words "not negotiable."

(5.) Where a cheque is crossed specially, the banker to whom it is crossed may again cross it specially to another banker for collection.

(6.) Where an uncrossed cheque, or a cheque crossed generally, is sent to a banker for collection, he may cross it specially to himself.

Crossing a material part of cheque.

78. A crossing authorised by this Act is a material part of the cheque; it shall not be lawful for any person to obliterate or, except as authorised by this Act, to add to or alter the crossing.

Duties of banker as to crossed cheques.

79. (1.) Where a cheque is crossed specially to more than one banker except when crossed to an agent for collection being a banker, the banker on whom it is drawn shall refuse payment thereof.

(2.) Where the banker on whom a cheque is drawn which is so crossed nevertheless pays the same, or pays a cheque crossed generally otherwise than to a banker, or if crossed specially otherwise than to the banker to whom it is crossed, or his agent for collection being a banker, he is liable to the true owner of the cheque for any loss he may sustain owing to the cheque having been so paid.

Provided that where a cheque is presented for payment which does not at the time of presentment appear to be crossed, or to have had a crossing which has been obliterated, or to have been added to or altered otherwise than as authorised by this Act, the banker paying the cheque in good faith and without negligence shall not be responsible or incur any liability, nor shall the payment be questioned by reason of the cheque having been crossed, or of the crossing having been obliterated or having been added to or altered otherwise than as authorised by this Act, and of payment having been made otherwise than to a banker or to the banker to whom the cheque is or was crossed, or to his agent for collection being a banker, as the case may be.

Protection to banker and drawer where cheque is crossed.

80. Where the banker, on whom a crossed cheque is drawn, in good faith and without negligence pays it, if crossed generally, to a banker, and if crossed specially, to the banker to whom it is crossed, or his agent for collection being a banker, the banker paying the cheque, and, if the cheque has come into the hands of the payee, the drawer, shall respectively be entitled to the same rights and be placed in the same position as if payment of the cheque had been made to the true owner thereof.

Effect of crossing on holder.

81. Where a person takes a crossed cheque which bears on it the words "not negotiable," he shall not have and shall not be capable of giving a better title to the cheque than that which the person from whom he took it had.

Protection to collecting banker.

82. Where a banker in good faith and without negligence receives payment for a customer of a cheque crossed generally or specially to himself, and the customer has no title or a defective title thereto, the banker shall not incur any liability to the true owner of the cheque by reason only of having received such payment.

PART IV.

PROMISSORY NOTES.

Promissory note defined.

83. (1.) A promissory note is an unconditional promise in writing made by one person to another signed by the maker, engaging to pay, on demand or at a fixed or determinable future time, a sum certain in money, to, or to the order of, a specified person or to bearer.

(2.) An instrument in the form of a note payable to maker's order is not a note within the meaning of this section unless and until it is indorsed by the maker.

(3.) A note is not invalid by reason only that it contains also a pledge of collateral security with authority to sell or dispose thereof.

(4.) A note which is, or on the face of it purports to be, both made and payable within the British Islands is an inland note. Any other note is a foreign note.

84. A promissory note is inchoate and incomplete until delivery thereof to the payee or bearer. Delivery necessary.

85. (1.) A promissory note may be made by two or more makers, and they may be liable thereon jointly, or jointly and severally according to its tenour. Joint and several notes

(2.) Where a note runs "I promise to pay" and is signed by two or more persons it is deemed to be their joint and several note.

86. (1.) Where a note payable on demand has been indorsed, it must be presented for payment within a reasonable time of the indorsement. If it be not so presented the indorser is discharged. Note payable on demand.

(2.) In determining what is a reasonable time, regard shall be had to the nature of the instrument, the usage of trade, and the facts of the particular case.

(3.) Where a note payable on demand is negotiated, it is not deemed to be overdue, for the purpose of affecting the holder with defects of title of which he had no notice, by reason that it appears that a reasonable time for presenting it for payment has elapsed since its issue.

87. (1.) Where a promissory note is in the body of it made payable at a particular place, it must be presented for payment at that place in order to render the maker liable. In any other case, presentment for payment is not necessary in order to render the maker liable. Presentment of note for payment.

(2.) Presentment for payment is necessary in order to render the indorser of a note liable.

(3.) Where a note is in the body of it made payable at a particular place, presentment at that place is necessary in order to render an indorser liable; but when a place of payment is indicated by way of memorandum only, presentment at that place is sufficient to render the indorser liable, but a presentment to the maker elsewhere, if sufficient in other respects, shall also suffice.

88. The maker of a promissory note by making it— Liability of maker.

(1.) Engages that he will pay it according to its tenour;

(2.) Is precluded from denying to a holder in due course the existence of the payee and his then capacity to indorse.

89. (1.) Subject to the provisions in this part, and except as by this section provided, the provisions of this Act relating to bills of exchange apply, with the necessary modifications, to promissory notes. Application of Part II. to notes.

(2.) In applying those provisions the maker of a note shall be deemed to correspond with the acceptor of a bill, and the first indorser of a note shall be deemed to correspond with the drawer of an accepted bill payable to drawer's order.

(3.) The following provisions as to bills do not apply to notes; namely, provisions relating to—

(*a.*) Presentment for acceptance;

(*b.*) Acceptance;

(*c.*) Acceptance suprà protest;

(*d.*) Bills in a set.

(4.) Where a foreign note is dishonoured, protest thereof is unnecessary.

PART V.

SUPPLEMENTARY.

Good faith.

90. A thing is deemed to be done in good faith, within the meaning of this Act, where it is in fact done honestly, whether it is done negligently or not.

Signature.

91. (1.) Where, by this Act, any instrument or writing is required to be signed by any person, it is not necessary that he should sign it with his own hand, but it is sufficient if his signature is written thereon by some other person by or under his authority.

(2.) In the case of a corporation, where, by this Act, any instrument or writing is required to be signed, it is sufficient if the instrument or writing be sealed with the corporate seal.

But nothing in this section shall be construed as requiring the bill or note of a corporation to be under seal.

Computation of time.

92. Where, by this Act, the time limited for doing any act or thing is less than three days, in reckoning time, non-business days are excluded.

"Non-business days" for the purposes of this Act mean—

(*a.*) Sunday, Good Friday, Christmas Day:

(*b.*) A bank holiday under the Bank Holidays Act, 1871, or Acts amending it:

(*c.*) A day appointed by Royal proclamation as a public fast or thanksgiving day.

Any other day is a business day.

When noting equivalent to protest.

93. For the purposes of this Act, where a bill or note is required to be protested within a specified time or before some further proceeding is taken, it is sufficient that the bill has been noted for protest before the expiration of the specified time or the taking of the proceeding; and the formal protest may be extended at any time thereafter as of the date of the noting.

Protest when notary not accessible.

94. Where a dishonoured bill or note is authorised or required to be protested, and the services of a notary cannot be obtained at the place where the bill is dishonoured, any householder or substantial resident of the place may, in the presence of two witnesses, give a certificate, signed by them, attesting the dishonour of the bill, and the certificate shall in all respects operate as if it were a formal protest of the bill.

The form given in Schedule 1 to this Act may be used with necessary modifications, and if used shall be sufficient.

Dividend warrants may be crossed.

95. The provisions of this Act as to crossed cheques shall apply to a warrant for payment of dividend.

Repeal.

96. The enactments mentioned in the second schedule to this Act are hereby repealed as from the commencement of this Act to the extent in that schedule mentioned.

Provided that such repeal shall not affect anything done or suffered, or any right, title, or interest acquired or accrued before the commencement of this Act, or any legal proceeding or remedy in respect of any such thing, right, title, or interest.

97. (1.) The rules in bankruptcy relating to bills of exchange, promissory notes, and cheques, shall continue to apply thereto notwithstanding anything in this Act contained Savings

(2) The rules of common law including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to bills of exchange, promissory notes, and cheques

(3) Nothing in this Act or in any repeal effected thereby shall affect—

(*a*) The provisions of the Stamp Act, 1870, or Acts amending it, or any law or enactment for the time being in force relating to the revenue 33 & 34 Vict c 97

(*b*) The provisions of the Companies Act 1862 or Acts amending it, or any Act relating to joint stock banks or companies 25 & 26 Vict c 89

(*c*) The provisions of any Act relating to or confirming the privileges of the Bank of England or the Bank of Ireland respectively

(*d*) The validity of any usage relating to dividend warrants, or the indorsements thereof

98. Nothing in this Act or in any repeal effected thereby shall extend or restrict, or in any way alter or affect the law and practice in Scotland in regard to summary diligence Saving of summary diligence in Scotland

99. Where any Act or document refers to any enactment repealed by this Act, the Act or document shall be construed, and shall operate, as if it referred to the corresponding provisions of this Act Construction with other Acts, &c

100. In any judicial proceeding in Scotland, any fact relating to a bill of exchange bank cheque, or promissory note, which is relevant to any question of liability thereon, may be proved by parole evidence Provided that this enactment shall not in any way affect the existing law and practice whereby the party who is, according to the tenour of any bill of exchange, bank cheque, or promissory note, debtor to the holder in the amount thereof, may be required, as a condition of obtaining a sist of diligence, or suspension of a charge, or threatened charge, to make such consignation, or to find such caution as the court or judge before whom the cause is depending may require Parole evidence allowed in certain judicial proceedings in Scotland

This section shall not apply to any case where the bill of exchange, bank cheque, or promissory note has undergone the sesennial prescription

SCHEDULES

FIRST SCHEDULE

Section 94

Form of protest which may be used when the services of a notary cannot be obtained

Know all men that I, *A B* [householder], of in the county of , in the United Kingdom, at the request of *C D*, there being no notary public available, did on the day of 188 at demand payment [*or* acceptance] of the bill of exchange hereunder written, from *E F*, to which demand he made answer [state answer, if any] wherefore I now, in the presence of *G H* and *J K* do protest the said bill of exchange.

(Signed) *A B*
G H } Witnesses.
J K }

N B—The bill itself should be annexed, or a copy of the bill and all that is written thereon should be underwritten.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title of Act and extent of Repeal.
9 Will. 3. c. 17. - -	An Act for the better payment of Inland Bills of Exchange.
3 & 4 Anne, c. 8. - -	An Act for giving like remedy upon Promissory Notes as is now used upon Bills of Exchange, and for the better payment of Inland Bills of Exchange.
17 Geo. 3. c. 30. - -	An Act for further restraining the negotiation of promissory notes and inland bills of exchange under a limited sum within that part of Great Britain called England.
39 & 40 Geo. 3. c. 42. -	An Act for the better observance of Good Friday in certain cases therein mentioned.
48 Geo. 3. c. 88. - -	An Act to restrain the Negotiation of Promissory Notes and Inland Bills of Exchange under a Limited sum in England.
1 & 2 Geo. 4. c. 78. -	An Act to regulate Acceptances of Bills of Exchange.
7 & 8 Geo. 4. c. 15. - -	An Act for declaring the law in relation to Bills of Exchange and Promissory Notes becoming payable on Good Friday or Christmas Day.
9 Geo. 4. c. 24. - -	An Act to repeal certain Acts, and to consolidate and amend the laws relating to bills of exchange and promissory notes in Ireland. in part; that is to say, Sections two, four, seven, eight, nine, ten, eleven.
2 & 3 Will. 4. c. 98. -	An Act for regulating the protesting for nonpayment of Bills of Exchange drawn payable at a place not being the place of the residence of the drawee or drawees of the same.
6 & 7 Will. 4. c. 58. -	An Act for declaring the law as to the day on which it is requisite to present for payment to Acceptor or Acceptors suprà protest for honour, or to the Referee or Referees, in case of need, Bills of Exchange which have been dishonoured.
8 & 9 Vict. c. 37. - - in part.	An Act to regulate the issue of bank notes in Ireland, and to regulate the repayment of certain sums advanced by the Governor and Company of the Bank of Ireland for the public service, in part; that is to say, Section twenty-four.
19 & 20 Vict. c. 97. - in part.	The Mercantile Law Amendment Act, 1856, in part; that is to say, Sections six and seven.
23 & 24 Vict. c. 111. - in part.	An Act for granting to Her Majesty certain duties of stamps, and to amend the laws relating to the stamp duties, in part; that is to say, Section nineteen.
34 & 35 Vict. c. 74. -	An Act to abolish days of grace in the case of bills of exchange and promissory notes payable at sight or on presentation.
39 & 40 Vict. c. 81. -	The Crossed Cheques Act, 1876.
41 & 42 Vict. c. 13. -	The Bills of Exchange Act, 1878.

ENACTMENT REPEALED AS TO SCOTLAND.

19 & 20 Vict. c. 60. - in part.	The Mercantile Law (Scotland) Amendment Act, 1856, in part; that is to say, Sections ten, eleven, twelve, thirteen, fourteen, fifteen, and sixteen.

CHAPTER 62.

An Act to grant Money for the purpose of Loans by the Public Works Loan Commissioners and the Commissioners of Public Works in Ireland and the Irish Land Commission; and for other purposes relating to Loans by those Commissioners. [18th August 1882.]

WHEREAS it is expedient to grant money for the purpose of loans by the Public Works Loan Commissioners and the Commissioners of Public Works in Ireland and the Irish Land Commission:

And whereas it is expedient to amend the Acts relating to the said Commissioners, and to make provisions respecting certain sums due in respect of loans granted by the said Commissioners:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Public Works Loans Act, 1882.

Citation of Acts 38 & 39 Vict. c. 89. 42 & 43 Vict c 77

2. This Act may be cited, together with the Public Works Loans Act, 1875, and the Public Works Loans Act, 1879, as the Public Works Loans Acts, 1879 to 1882

PART I.

Grant of Money for Public Works Loan Commissioners.

Grant of 3,000,000*l* for Public Works loans during the period ending 30th June 1883

3. For the purpose of loans by the Public Works Loan Commissioners,—

(1.) Any sum or sums, not exceeding in the whole the sum of three million pounds, may be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in manner provided by the Public Works Loans Act, 1875, as amended by the Public Works Loans Act, 1879; and

(2.) The Commissioners for the Reduction of the National Debt may advance any part or parts of the total sum above in this section mentioned in reduction of the amount which may be so issued out of the Consolidated Fund;

and such sums may be issued and advanced during the period ending on the day at which a further Act granting money for the purpose of the said loans comes into operation

The Treasury may, in the manner and subject to the limitations provided by the Public Works Loans Act, 1875, borrow the sum authorised by this section to be issued out of the Consolidated Fund, or any part of that sum.

PART II.

Grant of Money for Public Works Commissioners, Ireland.

Grant of 1,200,000*l* for loan by Commissioners of Public Works in Ireland during the

4. For the purpose of loans by the Commissioners of Public Works in Ireland,—

(1) Any sum or sums, not exceeding in the whole one million two hundred thousand pounds, may be issued out of the Consolidated Fund of the United Kingdom, or the growing

period ending 30th June 1883.
40 & 41 Vict. c. 27.

produce thereof, in manner provided by Part Two of the Public Works Loans (Ireland) Act, 1877, as amended by the Public Works Loans Act, 1879; and

(2.) The Commissioners for the Reduction of the National Debt may advance any part or parts of the total sum above in this section mentioned in reduction of the amount which may be so issued out of the Consolidated Fund;

and such sums may be issued and advanced during the period ending on the day on which a further Act authorising the issue of money for those loans comes into operation.

The Treasury may, in the manner and subject to the limitations provided by Part Two of the Public Works Loans (Ireland) Act, 1877, borrow the sum authorised by this section to be issued out of the Consolidated Fund, or any part of that sum

PART III.

Grant of Money for Irish Land Commission.

Grant of 400,000*l.* to Land Commission.
44 & 45 Vict. c. 49.

5. For the purpose of advances or of purchases of estates by the Land Commission in Ireland under the Land Law (Ireland) Act, 1881, any sum or sums not exceeding in the whole the sum of four hundred thousand pounds may be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in manner provided by the said Act, and such sums may be issued during the period ending on the day on which a further Act providing money for the purpose of such advances or purchases comes into operation.

The Treasury may, in the manner and subject to the limitations provided by the said Act, borrow the sum authorised by this section to be issued out of the Consolidated Fund, or any part of that sum.

Power to borrow for purposes of 45 & 46 Vict. c. 47.

6. Whereas by a Bill pending in Parliament for an Act to be called the Arrears of Rent (Ireland) Act, 1882, it is provided that the liabilities incurred by the Irish Land Commission as therein mentioned should be primarily charged on the Irish Church Temporalities Fund, and, subject thereto, on the Consolidated Fund in such manner as might thereafter be provided by Parliament.

And whereas it is expedient to make provision for the discharge of such liabilities in the event of the said Bill being passed: Be it therefore enacted as follows:

(1.) In the event of the said Arrears of Rent (Ireland) Act, 1882, being passed, the Irish Land Commission, for the purpose of meeting orders for payment made under the said Act, and of making advances, and of paying money for grants under the said Act, and generally of discharging the liabilities incurred by them under that Act, may, with the consent of the Treasury, from time to time borrow, on the security of the Irish Church Temporalities Fund, such sums not exceeding in the whole two million six hundred thousand pounds, and at such rate and on such terms as may be sanctioned by the Treasury.

(2.) The Commissioners for the Reduction of the National Debt may, if they think fit, with the approval of the Treasury, out of any money in their hands on account of savings banks, lend to the Irish Land Commission, with such guarantee as is by this section

authorised, but not otherwise, the whole or any part of the money which by this section the Irish Land Commission are authorised to borrow

(3) For the purpose of giving effect to the charge by the said Act on the Consolidated Fund, the Treasury may from time to time guarantee, in such form as they think expedient, the payment of the principal and interest of all or any part of the money for the time being borrowed by the Irish Land Commission in pursuance of this section.

(4) Any security given by the Irish Land Commission in pursuance of this section shall be in such form and contain such provisions as the Treasury may approve.

(5) The Treasury may from time to time, if required, for the purpose of giving effect to any such guarantee as aforesaid, issue out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, such sums as may be necessary for the payment of the principal and interest guaranted by them, or of any part thereof, but any money so issued shall be repaid to the Consolidated Fund out of any surplus of the funds in the hands of the Irish Land Commission on account of the Irish Church Temporalities Fund

(6.) For the purposes of this section, the Irish Church Temporalities Fund means the fund under the control of the Irish Land Commission under the provisions of the Irish Church Act Amendment Act, 1881. 44 & 45 Vict. c. 71.

PART IV.

Amendment of Acts.

Amendment of 24 & 25 Vict. c. 45. as to provision for loans in provisional order respecting harbours

7. Whereas under the General Pier and Harbour Act, 1861, the Board of Trade can make a provisional order, subject to confirmation by Parliament, authorising the construction of a harbour, pier, or other works within the meaning of the said Act, and authorising the promoters to raise a loan to the amount specified in the order for the purpose of such harbour, pier, or works, and in many cases where the promoters are a public body difficulties arise in raising such loan on account of the defective security, while the construction of the said harbour, pier, or works is of so great importance to the inhabitants of the town or place where the same are to be constructed that they would be willing to guarantee the loan, if power were given for this purpose, and it is expedient to provide for the conferring of such power by the provisional order: Be it therefore enacted as follows:

(1.) Where a provisional order under the General Pier and Harbour Act, 1861, authorises any public body to raise a loan for the construction of any works as defined by that Act in any place, the same or any other order may authorise any rating authority as herein-after defined in that place, under the circumstances and subject to the conditions specified in the order, to charge, if they think it expedient for the inhabitants at large of such place, any fund or rate under their control for the purpose of aiding the public body in raising the said loan, or any part thereof, from the Public Works Loan Commissioners, and to give such aid by guaranteeing the principal and interest

of the loan or by borrowing the sum required and advancing it to the public body, or partly in one way and partly in the other, or otherwise in manner provided by the order.

(2.) The order shall provide that the resolution of the rating authority to give the guarantee shall be a special resolution, that is to say, a resolution passed at one meeting of such authority and published in manner directed by the order, so as to give notice to all persons interested, and confirmed at a second meeting of the rating authority held not less than fourteen days after the first of such public notices has been given, and not less than three months after the meeting at which the resolution was passed.

(3.) The order shall provide for the time within which and the mode in which any money borrowed by the rating authority is to be repaid, and for the effectual recovery out of the said fund or rate of any sum payable under the guarantee, and of the principal and interest of any money borrowed by the said authority, and for the reimbursement of the fund or rate out of the income of the said works, or otherwise by the said public body, and shall contain such incidental provisions as seem necessary or proper for carrying this section into effect.

(4.) The promoters of an order proposing to confer power under this section on any rating authority shall, a reasonable time before they apply to the Board of Trade to settle the order, submit to the Local Government Board, or as regards Scotland to the Secretary of State for the Home Department, a statement of such proposal, and if the Local Government Board, or Secretary of State for the Home Department, declare that in their opinion, having regard to the financial condition of the rating authority, or to the necessity for such rating authority to provide a water supply or drainage for the inhabitants of the said place, or otherwise to fulfil the original duties of such authority, it is inexpedient to burden such rating authority with any such charge as is mentioned in such proposal, the Board of Trade in settling the order shall omit any provision conferring power on the rating authority under this section.

In this section,—

The expression "public body" means any rating authority, also any commissioners, or trustees, or other body or person who manage or undertake the works without any view to the payment of any dividend or profits out of the revenue from such works:

The expression "rating authority" means—

38 & 39 Vict. c. 55.

(1.) As regards England, any authority being an urban sanitary authority under the Public Health Act, 1875, and the Acts amending the same; and

25 & 26 Vict. c. 101.

(2.) As regards Scotland, the town council or commissioners of police of, or other local authority having power to levy assessments in, any royal or parliamentary burgh, or in any populous place the boundaries whereof have been fixed and ascertained under the General Police and Improvement (Scotland) Act, 1862, or under the Act therein recited or under any local Act; and

(3.) As regards Ireland, any urban sanitary authority under the Public Health (Ireland) Act, 1878, and the Acts amending the same. 41 & 42 Vict. c. 52.

8. Where after the passing of this Act any money is advanced by the Public Works Loan Commissioners on the security of a rate as defined by the Public Works Loans Act, 1875, the borrowers shall cause their treasurer to keep a separate account under the title of the Public Works Loan Commissioners Loan Account, or such other title as may be approved by the Local Government Board, and shall cause all the said advances to be carried to the credit of that account, and all orders or other documents directing payments out of such account shall show on the face of them that the payment is to be made out of that account, and an order or other document for a payment out of the said account shall not be made or given except the payment is for a purpose for which the said advances were made. Account in case of loan on security of rate.

9. Section thirteen of the Public Works Loans Act, 1875, and section eleven of the Public Works Loans (Ireland) Act, 1877 (which provided for annual and quarterly statements from borrowers of the amounts which they will probably apply to borrow), are hereby repealed. Repeal of 38 & 39 Vict. c. 89. s. 13 and 40 & 41 Vict. c. 27. s. 11. as to annual and quarterly statements of amounts required by borrowers.

10. Whereas by section twenty-eight of the Land Law (Ireland) Act, 1881, it is provided that any advance made by the Irish Land Commission for the purpose therein mentioned shall be repaid by an annuity in favour of the Land Commission for thirty-five years of five pounds for every one hundred pounds of such advance, and so in proportion for any less sum, and further that every such advance shall be secured to the Commission either in such manner as may be agreed upon or in manner provided by Part Three of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872. Amendment as to repayment of advances of s. 28 of 44 & 45 Vict c. 49. 33 & 34 Vict. c. 46. 35 & 36 Vict. c. 32.

And whereas in pursuance of the last-mentioned Acts the annuity is repayable by equal half-yearly payments on the first day of May and the first day of November in every year, and the necessary apportionment is made in respect of the first and last of such payments.

And whereas it is expedient to make such different provision respecting the said annuity as herein-after mentioned: Be it therefore enacted as follows:

Where any advance repayable by an annuity under section twenty-eight of the Land Law (Ireland) Act, 1881, has either before or after the passing of this Act been secured in manner provided by Part Three of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872, the first half-yearly payment of the annuity shall, where the advance is not made on one of the gale days (namely, the first day of May or the first day of November), be due and paid on the second of such gale days after the date of the advance, and together with such first half-yearly payment there shall be due and paid an additional sum for interest on the advance at the rate of three and a half per cent. per annum from the date of the advance, until the first gale day next after that date.

Provision as to certain Loans

Power to postpone debt due from trustees of Pulteney Harbour at Wick 24 & 25 Vict 47

11. Whereas the Public Works Loan Commissioners, under the Harbours and Passing Tolls Act, 1861, advanced in the year one thousand eight hundred and sixty-eight, and subsequent years, to the British Fisheries Society for Pulteney Town Harbour in Wick Bay sums amounting in the whole to sixty-two thousand pounds, which sums were expended on a breakwater and works for the harbour, and, with interest at the rate of three and a quarter per cent. per annum, are repayable out of the revenues of the harbour by annuities amounting in the whole to two thousand six hundred and forty-two pounds five shillings, and terminating between the years one thousand nine hundred and eighteen and one thousand nine hundred and twenty-three, and by the payment of such annuities the capital sum due has been reduced to fifty-seven thousand eight hundred and twenty-one pounds thirteen shillings and twopence

And whereas the harbour and the revenues thereof were, in pursuance of an Act of Parliament, transferred by the British Fisheries Society to the Pulteney Harbour trustees, and the said Act charged the above annuities on the revenue of the harbour next after an annual sum of sixteen hundred pounds for the maintenance and management of the harbour

And whereas the breakwater and works upon which the said sums were expended have been almost wholly destroyed by the violence of the sea, and in consequence of the injury thereby caused to the harbour and other causes, the revenue of the harbour, upon which the said annuities are charged has been diminishing

And whereas with a view to the restoration of the said works or other improvement of the harbour, it is expedient to raise further loans and to empower the Treasury, on being satisfied of the circumstances herein-after mentioned, to authorise such postponement of the said annuities due to the Public Works Loan Commissioners, as is herein-after mentioned Be it therefore enacted as follows

If the Pulteney Harbour trustees satisfy the Treasury that works for the restoration of the destroyed breakwater and works or otherwise for the improvement of Pulteney Harbour would be of public utility, and that such works can be executed for a reasonable sum, the Treasury may authorise the Public Works Loan Commissioners to agree that notwithstanding anything in the Public Works Loans Act, 1875, any loan or loans to be borrowed for the said works should, to such amount (not exceeding the said sum) and on such conditions as may seem expedient, have priority over the advances made by the Public Works Loan Commissioners before the passing of this Act, and the interest thereon, and may further authorise them to agree with the Pulteney Harbour trustees that the payments on account of the said advances, and the interest thereon, should be wholly or partly suspended during such number of years as may be agreed upon.

The Public Works Loan Commissioners may advance the said new loan or loans if they are satisfied with the sufficiency of the security for the same, irrespective of the said advances and interest hereby authorised to be postponed

CHAPTER 63.

An Act to amend the Acts regulating the pay of certain officers of the Royal Irish Constabulary Force, and for other purposes connected therewith.

[18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Constabulary (Ireland) Amendment Act, 1882. Short title.

2. It shall be lawful for the Lord Lieutenant at any time within three months after the passing of this Act, with the sanction of the Commissioners of the Treasury, to fix the annual salaries to be paid to the several county inspectors and sub-inspectors of constabulary, at rates not exceeding those specified in the schedule to this Act. Revised scale of pay for certain officers.

The rates of salaries so fixed shall be in lieu of those at present in force, and shall take effect from and after the thirtieth day of June one thousand eight hundred and eighty-two. The salaries so appointed shall be in addition to any good service pay at present authorised to be paid.

3. From and after the passing of this Act, the third section of the Constabulary (Ireland) Act, 1874, shall, so far as it determines the proportion which county inspectors and sub-inspectors may receive of their salaries on being superannuated, be amended as follows: Pensions and allowances. 37 & 38 Vict. c. 80.

(*a.*) The gratuity referred to in sub-section one of the said section may be granted to any county inspector or sub-inspector whose service has exceeded five years and has been less than ten years.

(*b.*) The annual pension which may be granted to any county inspector or sub-inspector shall be as follows:

To any such officer who shall have served for ten years and upwards, and under eleven years, an annual pension not exceeding ten sixtieths of his annual salary:

And an addition to the annual pension, not exceeding one sixtieth of such annual salary in respect of each additional year of such service, until the completion of a period of service of forty years, when an annual pension not exceeding forty sixtieths may be granted, and no addition shall be made in respect of any service beyond forty years.

For the purpose of calculating the amount of any pension which may be granted under this Act, the term salary shall include all allowances for lodging, house-rent, and servant: Provided that the allowance in respect of lodging or house-rent shall not exceed one sixth of the actual salary and other emoluments.

This section shall apply to all county inspectors and sub-inspectors appointed at any time before or after the passing of this Act, subject to the following exception in the case of such of them as were appointed before the passing of this Act:

Every county inspector and sub-inspector appointed before the passing of this Act who shall have served for so many years as

to be qualified in respect of his length of service under the statutes in force at the time of the passing of this Act to retire upon a pension, shall continue to be so qualified in respect of the same length of service, after the passing of this Act:

In the case of every county inspector and sub-inspector appointed before the passing of this Act to whom the pension granted under this Act is of less amount than might have been granted to him if this Act had not been passed, such annual addition shall be made to the pension granted to him under this Act as shall make it equal to the pension which might have been granted to him if this Act had not been passed.

Provided that no county inspector or sub-inspector appointed before the passing of this Act shall be entitled to receive any pension exceeding the amount which may be granted to him under the scale provided by this Act, or the amount which it would have been lawful to grant to him if this Act had not been passed; but every such county inspector or sub-inspector shall, on retirement, and if otherwise qualified for a pension, be entitled to elect between such amounts respectively.

Retirement of officers.

4. On the first day of October one thousand eight hundred and eighty-two, every assistant inspector-general and county inspector and sub-inspector shall cease to be a member of the constabulary force if he has then attained the age herein-after defined as the specified age for retirement, and shall be qualified to receive the maximum pension of the rank and class in which he is then serving, notwithstanding that he may not then have served for the full number of years which qualify him to receive the same.

After the said first day of October every assistant inspector-general, county inspector, and sub-inspector, shall cease to be a member of the force when he fulfils the two following conditions; that is to say, when he attains the specified age for retirement, and when also he has by the length of his service become qualified to receive the maximum pension of the rank and class in which he is then serving; Provided that the second of the said two conditions shall be deemed to be fulfilled in the case of any assistant inspector-general, county inspector, and sub-inspector to whom respectively the Commissioners of the Treasury on the recommendation of the Lord Lieutenant agree, within six months of the passing of this Act, to grant such maximum pension, notwithstanding that he may not then have served the full number of years which qualify him to receive the same.

The specified age for retirement shall be for an assistant inspector-general and county inspector the age of sixty-five years, and for a sub-inspector the age of sixty years.

In this section the term county inspector shall include the inspector of constabulary for the town of Belfast.

An additional county inspector may be appointed.

5. The Lord Lieutenant may, if he thinks fit, add one county inspector to the number of county inspectors who may be appointed under the Acts in force at the time of the passing of this Act.

Provision for the performance of the duties of deputy inspector

6. Any acts which might lawfully be done by the deputy inspector general of the Royal Irish Constabulary, acting instead of the inspector general, in accordance with the statutes in that behalf, may from time to time be lawfully done by any other officer

of the force, not being under the rank of assistant inspector general, authorised by writing under the hand of the Lord Lieutenant. general in certain cases.

7. In this Act the term "Lord Lieutenant" includes any chief governor or governors of Ireland for the time being. Interpretation.

SCHEDULE.

RATES OF PAY.

For county inspectors - -	350*l.* per annum on appointment to that rank, increasing by 20*l.* per annum to 450*l.*
For sub-inspectors:	
For sub-inspectors of the 3rd class - - -	125*l.* per annum.
For sub-inspectors of the 2nd class - - -	165*l.* per annum during the first five years of service in that class; 180*l.* per annum during the remaining service in that class.
For sub-inspectors of the 1st class - -	225*l.* per annum during the first three years of service in that class; 250*l.* per annum during the subsequent three years of service in that class; 275*l.* per annum during the subsequent six years of service in that class; and 300*l.* per annum during the remaining years of service in that class.

CHAPTER 64.

An Act to continue various expiring Laws.

[18th August 1882.]

WHEREAS the several Acts mentioned in column one of the schedule to this Act are, to the extent specified in column two of that schedule, limited to expire on the thirty-first day of December one thousand eight hundred and eighty-two:

And whereas it is expedient to provide for the continuance as in this Act mentioned of such Acts, and of the enactments amending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Expiring Laws Continuance Act, 1882. Short title.

2. The Acts mentioned in column one of the schedule to this Act, in so far as they are temporary in their duration, shall, to the extent in column two of the said schedule mentioned, be continued until the thirty-first day of December one thousand eight hundred and eighty-three, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner. Continuance of Acts in schedule.

SCHEDULE.

1. Original Acts.	2. How far continued.	3 Amending Acts.
(1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland).	The whole Act so far as it is not repealed.	3 & 4 Vict. c. 91. (except ss. 18 and 23). 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2) 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade, Exemption.	The whole Act.	—
(3) 4 & 5 Vict. c. 35. Copyhold, Inclosure, and Tithe Commissioners.	So much as relates to the appointment of and the period for holding office by Commissioners and other officers.	14 & 15 Vict. c. 53. 25 & 26 Vict. c. 73.
(4) 4 & 5 Vict. c. 59. Application of Highway Rates to Turnpike Roads.	The whole Act.	—
(5) 10 & 11 Vict. c. 32. Landed Property Improvement (Ireland).	As to powers of Commissioners -	12 & 13 Vict. c. 59. 13 & 14 Vict. c. 31. 25 & 26 Vict. c. 29. 29 & 30 Vict. c. 40.
(6) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	As to provisions continued by 21 & 22 Vict. c. 50.	—
(7) 11 & 12 Vict. c. 32. County Cess (Ireland).	The whole Act - - -	20 & 21 Vict. c. 7.
(8) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	The whole Act so far as it is not repealed.	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.
(9) 17 & 18 Vict. c. 102. Corrupt Practices Prevention.	The whole Act so far as it is not repealed.	21 & 22 Vict. c. 87. 26 & 27 Vict. c. 29. 31 & 32 Vict. c. 125.
(10) 23 & 24 Vict. c. 19. Dwellings for Labouring Classes (Ireland).	The whole Act.	—
(11) 24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	As to appointment of inspectors, s. 31.	—
(12) 26 & 27 Vict. c. 105. Promissory Notes.	The whole Act.	—
(13) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Exchange (Ireland).	The whole Act.	—

1. Original Acts.	2. How far continued.	3. Amending Acts.
(14) 28 & 29 Vict. c. 46. Militia Ballots Suspension.	The whole Act.	—
(15) 28 & 29 Vict. c. 83. Locomotives on Roads.	The whole Act so far as it is not repealed.	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77. (Part II.)
(16) 29 & 30 Vict. c. 52. Prosecution Expenses.	The whole Act.	—
(17) 31 & 32 Vict. c. 125. Election Petitions and Corrupt Practices.	The whole Act - - -	42 & 43 Vict. c. 75.
(18) 32 & 33 Vict. c. 21. Election Commissioners Expenses.	The whole Act - - -	34 & 35 Vict. c. 61.
(19) 32 & 33 Vict. c. 56. Endowed Schools (Schemes).	As to the powers of making schemes, and as to the payment of the salaries of additional Charity Commissioners and additional secretary.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87.
(20) 34 & 35 Vict. c. 87. Sunday Observance Prosecutions.	The whole Act.	—
(21) 35 & 36 Vict. c. 33. Parliamentary and Municipal Elections (Ballot).	The whole Act - - -	38 & 39 Vict. c. 40. (Municipal Elections.)
(22) 36 & 37 Vict. c. 48. Regulation of Railways.	The whole Act - - -	37 & 38 Vict. c. 40. (Part II.)
(23) 38 & 39 Vict. c. 48. Police Expenses.	The whole Act.	—
(24) 38 & 39 Vict. c. 84. Returning Officers Expenses.	The whole Act.	—
(25) 39 & 40 Vict. c. 21. Juries (Ireland).	The whole Act.	—
(26) 41 & 42 Vict. c. 41. Returning Officers Expenses (Scotland).	The whole Act.	—
(27) 41 & 42 Vict. c. 72. Sale of Liquors on Sunday (Ireland).	The whole Act.	—
(28) 43 Vict. c. 18. Parliamentary Elections.	The whole Act except so far as it continues any other Act.	—

CHAPTER 65.

An Act to make provision respecting certain Prison Charities. [18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Prison Charities Act, 1882.

Power of Charity Commissioners, on application of Secretary of State, to make scheme respecting prison charities. 16 & 17 Vict. c. 137, &c.

2. Where the Charity Commissioners for England and Wales (in this Act referred to as the Charity Commissioners) would have power to make an order for the establishment of a scheme for the administration of a prison charity as herein-after defined, if application for such scheme were made by the trustees or persons acting in the administration of the charity, such Commissioners shall also have power to make a like order upon the application of one of Her Majesty's Principal Secretaries of State in like manner as if he were the said trustees, and the Charitable Trusts Acts, 1853 to 1869, shall apply accordingly.

Provided that nothing in this Act shall authorise the making of a scheme upon the application of the Secretary of State in a case where the prison charity is applied for other purposes in pursuance of any special Act of Parliament.

For the purposes of this Act the expression "prison charity" means a charity the endowment of which is applicable for the benefit of any prisoners, or for any purpose connected with any prisoners or prison, whether the prisoners be confined in or the prison be a common gaol, house of correction, or other place of confinement, and where the endowment of a charity is partly applicable for the purposes aforesaid and partly for other purposes, so much of the endowment as appears to the Charity Commissioners to be applicable for the aforesaid purposes shall be deemed to be a prison charity within the meaning of this Act.

CHAPTER 66.

An Act to amend the Law relating to Licences to retail Intoxicating Liquors on Passenger Vessels in Scotland. [18th August 1882.]

9 Geo. 4. c. 47.

WHEREAS an Act was passed in the ninth year of the reign of His Majesty King George the Fourth, for regulating the retail of exciseable articles and commodities to passengers on board passage vessels, from one part to another of the United Kingdom:

4 & 5 Will. 4. c. 75. s. 10.

And whereas another Act was passed in the Session of Parliament held in the fourth and fifth years of the reign of His late Majesty King William the Fourth, to repeal the duties made on spirits in Ireland, and to impose other duties in lieu thereof, and to impose additional duties on licences to retailers of spirits in the United Kingdom:

And whereas by the Inland Revenue Act, 1880, duties were imposed upon licences for the sale of intoxicating liquors on board vessels employed for the carriage of passengers going from and returning to the same place in the United Kingdom on the same day, and it was enacted that such licences should be granted under and be subject to the enactments contained in the above-recited Acts, so far as such enactments are consistent with the said Inland Revenue Act, and the terms of the licences respectively: 43 & 44 Vict. c. 20. s. 45.

And whereas great evils have arisen from the sale of intoxicating liquors on Sunday on board of passenger vessels plying on rivers and estuaries in Scotland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. It shall be lawful for the Commissioners of Inland Revenue, or for any officer duly authorised by them to grant licences for the retail of intoxicating liquors on board packets, boats, and other vessels employed for the carriage of passengers from one part of Scotland to another, or going from and returning to the same place in Scotland on the same day, in terms of the recited Acts, to indorse on such licences a condition that no intoxicating liquor shall be sold, retailed, bartered, or supplied on board such vessels during any voyage commenced and terminated on the same Sunday. Condition may be endorsed on licence.

2. If any person holding a licence having such a condition as aforesaid indorsed thereon, shall sell, retail, barter, or supply, or shall permit to be sold, bartered, or supplied, any intoxicating liquor on a Sunday on board any such vessel in contravention of the said condition, such contravention shall be deemed and taken to be a retailing or selling intoxicating liquors without having taken out a licence, and such person shall be guilty of an offence within the meaning of the third section of the first-recited Act, and shall be liable to the penalties therein provided. Penalties.

3. It shall be lawful for the Commissioners of Inland Revenue at any time after the passing of this Act to require the holder of any licence granted under the authority of the recited Acts, or any of them, whether such licence was granted prior or subsequent to the passing of this Act, to send in his licence to the Commissioners or to any officer authorised by them to issue such licences, for the purpose of having such condition as aforesaid indorsed upon it, and if any holder of such licence shall fail to send his licence to the Commissioners or to such officer as aforesaid within seven days after receipt of a notice from the Commissioners or any officer duly authorised by them, and shall thereafter sell, retail, barter, or supply, or permit to be sold, bartered, or supplied, intoxicating liquors on board any vessel to which such licence applies, he shall be guilty of an offence within the meaning of the third section of the first-recited Act, and shall be liable to the penalties therein provided. Licences may be called in for indorsation.

4. This Act may be cited as the Passenger Vessels Licences Amendment (Scotland) Act, 1882. Short title.

CHAPTER 67.

An Act to further amend the Law relating to Turnpike Roads in South Wales. [18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

7 & 8 Vict. c. 91.

1. This Act may be cited as the South Wales Turnpike Roads Amendment Act, 1882; and the Act passed in the session of the seventh and eighth years of Her Majesty's reign, "To consolidate "and amend the laws relating to turnpike trusts in South Wales," may be cited as the South Wales Turnpike Trusts Act, 1844.

Application of Act.

2. This Act applies to the six counties of Glamorgan, Brecknock, Radnor, Carmarthen, Pembroke, and Cardigan, herein-after referred to as the six counties.

Money and materials to be placed at the disposal of district boards.

3. The county roads board of each of the six counties may, by their order, assign and place to the credit or at the disposal of the several district roads boards in each county respectively such sums of money out of the county roads fund, and such quantity of materials or other necessary things purchased out of the county roads fund, as the county roads board may deem to be necessary and sufficient for the ordinary maintenance and repairs of the several turnpike roads within such districts respectively; and the county roads board may also by their order place under the control and superintendence of the said district roads boards respectively, subject to the restrictions and limitations contained in the South Wales Turnpike Trusts Act, 1844, any works or improvements to be done or executed in or upon any of the roads within such districts respectively, and for the purpose of enabling them to carry on and execute such works and improvements may place to the credit or at the disposal of the said district roads boards such moneys, materials, and other things as aforesaid as the said county roads-board may deem to be necessary and sufficient for the performance thereof.

Annual returns under Local Taxation Returns Acts.

23 & 24 Vict. c. 51.

40 & 41 Vict. c. 66.

4. The clerk to the county roads board for each of the six counties shall make an annual return to the Local Government Board of the receipts and expenditure of such county roads board; and the Local Taxation Returns Acts, 1860 and 1877, shall apply to returns of rates, tolls, receipts, and expenditure as regards roads under the management of such county roads boards, in like manner as if they were specifically mentioned in the said Acts, and the said county roads boards were mentioned as local authorities in the said Acts.

Repeal of enactments.

5. The power of one of Her Majesty's Principal Secretaries of State now vested in the Local Government Board to appoint a general superintendent of county roads for South Wales shall not be exerciseable after the passing of this Act; and the sections and parts of sections of the South Wales Turnpike Trusts Act, 1844, which are specified in the schedule to this Act are hereby repealed, without prejudice to anything done or suffered before or pending at the date of the passing of this Act.

SCHEDULE.

SECTIONS AND PARTS OF SECTIONS OF 7 & 8 VICT. C. 91. REPEALED.

Section 67, from and inclusive of the words "and the times" to the end of the section.

Section 68, the words "and shall also receive and examine the several "estimates, reports, and accounts which shall be made and submitted to "the said county roads boards by the general superintendent of county "roads herein-after mentioned"; and the words "or by the general super-"intendent of county roads herein-after mentioned."

Section 69.

Section 70.

Section 80.

Section 87, the words "to the said general superintendent of county roads "to be by him submitted."

Section 88.

Section 95, the words "which shall be made out and submitted to such "board by the said general superintendent as aforesaid."

CHAPTER 68.

An Act to suspend for a limited period, on account of Corrupt Practices, the holding of an Election of a Member or Members to serve in Parliament for certain cities and boroughs. [18th August 1882.]

WHEREAS, in pursuance of addresses to Her Majesty from both Houses of Parliament in relation to election of members to serve in Parliament for the cities and boroughs mentioned in the schedule to this Act, commissioners were appointed by commissions, dated the ninth day of September one thousand eight hundred and eighty, for the purpose of making inquiry into the existence of corrupt practices at the elections of members to serve in Parliament for the said cities and boroughs:

And whereas the said commissioners have respectively reported as regards the existence of corrupt practices to the effect in the second column of the said schedule mentioned:

And whereas it is expedient, with a view to the future consideration of the cases by Parliament, to provide temporarily for the suspension of elections in the said cities and boroughs:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Corrupt Practices (Suspension of Elections) Act, 1882.

Suspension of elections in certain cities and boroughs.

2. An election of a member or members to serve in Parliament for any of the cities or boroughs mentioned in the schedule to this Act shall not be held until the expiration of seven days after the meeting of Parliament in the year one thousand eight hundred and eighty-three.

SCHEDULE.

CITIES AND BOROUGHS REFERRED TO.

Name of City or Borough	Report of Commissioners as to prevalence of corrupt practices
Boston - - -	Corrupt practices prevailed very extensively at the election of 1880 . . . It was stated as an undoubted fact that all elections, both parliamentary and municipal, have for a long time past been corrupt
Canterbury - -	Corrupt practices extensively prevailed at the elections of 1879 and 1880
Chester - - -	Corrupt practices extensively prevailed at the general elections of February 1874 and of April 1880
Gloucester - - -	Corrupt practices extensively prevailed at the elections in February 1874 and March 1880.
Macclesfield - - -	Corrupt practices extensively prevailed at the elections of 1865, 1868, 1874, and 1880
Oxford - - -	Corrupt practices were committed at the election in February 1874, and corrupt practices extensively prevailed at the elections in March 1874, April 1880, and May 1880, by way of payment of money to voters as therein mentioned.
Sandwich - - -	In the election of May 1880, there was practised throughout the constituency, not only indirect bribery of various kinds, but direct bribery, the most extensive and systematic . . . Electoral corruption has long extensively prevailed in the borough

CHAPTER 69.

An Act to amend the Intermediate Education (Ireland) Act, 1878. [18th August 1882.]

41 & 42 Vict c 66

WHEREAS by the eighth section of the Intermediate Education (Ireland) Act, 1878, it is amongst other things enacted that the annual income arising from the amount by said Act directed to be provided for the use of the Board shall, so far as the same shall not in each or any year require to be so applied, be invested by the Board by way of accumulation in the purchase of Government securities.

And whereas there was a surplus of the annual income for the years one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty over and above the amount which in said years respectively was required to be applied for the purposes of said Act, but the annual income for the year one thousand eight hundred and eighty-one was insufficient for the purposes of said Act:

And whereas it is expedient to empower the Board of Intermediate Education for Ireland to apply the surplus income for the

said years one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty towards making good the deficiency for the year one thousand eight hundred and eighty-one, and otherwise to amend the said Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Intermediate Education (Ireland) Act, 1882. Short title.

2. It shall be lawful for the Board to apply the surplus income, which in the years one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty arose from the securities vested in the Board, and which now remains after satisfying the purposes of the Act for the said years respectively, to the purposes of the said Act for the year one thousand eight hundred and eighty-one. Application of surplus income for 1879 and 1880 towards deficiency for 1881.

3. In the event of the income of the Board being in the present or any future year more than sufficient to answer the purposes of said Act for such year, it shall be lawful for the Board to apply in whole or in part the surplus income of such year, not required to be applied to the purposes of said Act during said year, for or towards the purposes of the said Act in or for any other year or years. Application of future surplus.

4. It shall not be lawful for the Board to anticipate in one year the income of any future year, but this enactment shall not prevent the hiring of any office, the assignment of salary to any officer, the grant of exhibitions, or any other like act in one year which involves a periodical payment not only in the said year, but in future years. Prohibition on anticipation of income.

CHAPTER 70.

An Act to amend the Supreme Court of Judicature Act (Ireland), 1877. [18th August 1882.]

WHEREAS by section seventy-three of the Supreme Court of Judicature Act (Ireland), 1877 (herein-after called the principal Act), it is enacted that subject to the provisions in that Act contained as to existing officers of the courts whose jurisdiction had been thereby transferred to the Supreme Court, the Lord Chancellor, the Chief Justice, the Chief Justice of the Common Pleas, and the Chief Baron, or any two of them, of whom the Lord Chancellor should be one, with the concurrence of the Treasury, should within two years from the commencement of the Act determine what officers, clerks, or other persons holding subordinate positions requisite for the permanent organisation of the official staff of the Supreme Court, and every court and division thereof should be retained or employed; and might with the like concurrence abolish any unnecessary office, or reduce or in case of additional duties increase the salary of an office, or alter the duties or designation thereof, notwithstanding that the patronage thereof might be vested in an existing judge: 40 & 41 Vict. c. 57.

And whereas doubts have arisen as to whether the said powers or any of them can be exercised after the expiration of the said period of two years from the commencement of the said Act, and also whether such powers, though not subject to such limitation in point of time, can be exercised so as to abolish, or reduce or increase the salary of, or alter the designation or duties of an office determined to be requisite, or the salary, designation, or duties of which have been once fixed in pursuance of the above recited section:

And whereas it is expedient that such doubts should be removed, and that the exercise of the said powers or any of them should not be in anywise limited or restricted as aforesaid:

Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Supreme Court of Judicature (Ireland) Act, 1882.

Interpretation of "office."

2. The word "office" shall for the purposes of this Act include any clerkship or subordinate employment held by any person in the Supreme Court of Judicature in Ireland, or any division or office thereof.

Amendment of s. 73 of 40 & 41 Vict. c. 57.

3. The Lord Chancellor, the Chief Justice, the Chief Justice of the Common Pleas, and the Chief Baron, or any three of them, of whom the Lord Chancellor shall be one, with the concurrence of the Treasury, may from time to time, as occasion may require, exercise all or any of the powers conferred by the said section of the principal Act as fully as if no time had been prescribed in that behalf in the said section, notwithstanding that any office affected thereby may have been previously determined to be requisite, or that the salary, designation, or duties of any office may have been previously fixed under the powers conferred by the principal Act or by this Act, and also notwithstanding that the patronage thereof may be vested in an existing judge: Provided always, that no existing officer shall receive a less salary than heretofore, and that no officer to be hereafter appointed shall, during his tenure of office, have his salary reduced; and provided also, that any rights preserved by the principal Act to any officers existing at the commencement of that Act shall not be affected by this Act.

CHAPTER 71.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-three, and to appropriate the Supplies granted in this Session of Parliament. [18th August 1882.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which

we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grant out of Consolidated Fund.

Issue of 34,357,774*l.* out of the Consolidated Fund.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-three, the sum of thirty-four million three hundred and fifty-seven thousand seven hundred and seventy-four pounds.

Power for the Treasury to borrow.

2. The Commissioners of Her Majesty's Treasury may borrow from time to time, on the credit of the said sum of thirty-four million three hundred and fifty-seven thousand seven hundred and seventy-four pounds, any sum or sums of equal or less amount in the whole, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any moneys so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Appropriation of Grants.

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A.) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to Her Majesty, amounting, as appears by the said Schedule, in the aggregate, to the sum of fifty-six million eight hundred and seventy-five thousand seven hundred and twelve pounds fourteen shillings and tenpence, are appropriated and shall be deemed to have been appropriated as from the date of the passing of the first of the Acts mentioned in the said Schedule (A.) for the purposes and services expressed in Schedule (B.) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services

4. If a necessity arise for incurring expenditure not provided for in the sums appropriated to naval and military services by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course, each of the departments entrusted with the control over the said services shall forthwith make application in writing to the Commissioners of Her Majesty's Treasury for their authority to

and for the army services respectively be not exceeded.

defray temporarily such expenditure out of any surpluses which may have been or which may be effected by the saving of expenditure upon votes within the same department, and in such application the department shall represent to the Commissioners of the Treasury the circumstances which may render such additional expenditure necessary, and thereupon the said Commissioners may authorise the expenditure unprovided for as aforesaid to be temporarily defrayed out of any surpluses which may have been or which may be effected as aforesaid upon votes within the same department; and a statement showing all cases in which the naval and military departments have obtained the sanction of the said Commissioners to any expenditure not provided for in the respective votes aforesaid, accompanied by copies of the representations made to them by the said departments, shall be laid before the House of Commons with the appropriation accounts of navy and army services for the year, in order that such proceedings may be submitted for the sanction of Parliament, and that provision may be made for the deficiencies upon the several votes for the said services in such manner as Parliament may determine.

The Commissioners of the Treasury shall not authorise any expenditure which may cause an excess upon the aggregate sums appropriated by this Act for naval services and for army services respectively.

Sanction for navy and army expenditure for 1880–81 unprovided for.

5. Whereas the Commissioners of the Treasury, under the powers vested in them by the Act of the session held in the forty-third and forty-fourth years of the reign of Her present Majesty, chapter forty, have authorised expenditure not provided for in the sums appropriated by the said Act to certain votes for naval and military services for the year ended on the thirty-first day of March one thousand eight hundred and eighty-one, to be temporarily defrayed out of the balances (including surpluses of appropriations in aid) unexpended in respect of the sums appropriated to certain other votes for naval and military services for the said year; viz.,

1st. Expenditure of one hundred and two thousand four hundred and twenty-five pounds twelve shillings and ninepence for certain navy services unprovided for, temporarily defrayed out of the unexpended balances of certain votes for navy services, aided by the sum realised in excess of the estimated appropriations in aid.

2d. Expenditure of two hundred and thirty-two thousand four hundred and seventy-seven pounds nineteen shillings and threepence for certain army services unprovided for, temporarily defrayed out of the unexpended balances of certain votes for army services, aided by the sum realised in excess of the estimated appropriations in aid:

It is enacted, that the application of the said sums is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

6. A person shall not receive any part of a grant which may be made in pursuance of this Act for half pay, or army, navy, or civil non-effective services until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Commissioners of Her Majesty's Treasury before one of the persons prescribed by such warrant.

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Commissioners of Her Majesty's Treasury may dispense with the production of more than one declaration in respect of each quarter

Any person who makes a declaration for the purpose of this section, knowing the same to be untrue in any material particular shall be guilty of a misdemeanor

7. This Act may be cited for all purposes as the Appropriation Act, 1882 — Short title of Act

ABSTRACT
OF
SCHEDULES (A.) and (B.) to which this Act refers.

SCHEDULE (A)

	£	s	d
Grants out of the Consolidated Fund - - - - -	56,875,712	14	10

SCHEDULE (B)—APPROPRIATION OF GRANTS

		£	s	d	£	s	d
	1881–82						
Part 1	Deficiencies, 1880–81 - - -	19,830	14	10			
,, 2	Supplementary, 1881–82 - - -	533,284	0	0			
,, 3	Navy (Supplementary) 1881–82 - -	50,000	0	0			
,, 4	Zulu, &c Wars, 1881–82 - - -	135,000	0	0			
					738,114	14	10
	1882–83						
,, 5	Navy - - - - - - - -				10,483,901	0	0
,, 6	Army - - - - - - - -				15,458,100	0	0
,, 7	Army (Indian Home Charges) - - -				1,100,000	0	0
		£					
,, 8	Civil Services, Class I - - - -	1,870,995					
,, 9	Ditto, Class II - - - -	2,387,286					
,, 10	Ditto, Class III - - - -	6,648 575					
,, 11	Ditto, Class IV - - - -	4,581,034					
,, 12	Ditto, Class V - - - -	646 139					
,, 13	Ditto, Class VI - - - -	1,180 870					
,, 14	Ditto, Class VII - - - -	35,152					
	TOTAL CIVIL SERVICES - - - -				17,350,051	0	0
,, 15	Revenue departments, &c - - - - -				8 790,089	0	0
,, 16	Advances for Greenwich Hospital and School - - -				155,457	0	0
,, 17	Forces in the Mediterranean (Vote of Credit) - - -				2 300 000	0	0
,, 18	Afghan War (Grant in Aid) - - - - -				500,000	0	0
					£56 875,712	14	10

SCHEDULE (A)

GRANTS OUT OF THE CONSOLIDATED FUND

For the service of the years ending 31st March 1881 and 1882, viz —

	£	s	d
Under Act 45 Vict cap 1 - - - - - -	313,270	0	0
Under Act 45 Vict cap 4 - - - - - -	424,844	14	10
For the service of the year ending 31st March 1883 —			
Under Act 45 Vict c 4 - - - - - -	6,793,498	0	0
Under Act 45 Vict c 8. - - - - -	9 282,435	0	0
Under Act 45 & 46 Vict c 28 - - - - -	5,703,891	0	0
Under this Act - - - - - - -	34,357,774	0	0
TOTAL - - -	56,875,712	14	10

SCHEDULE (B.)—PART 1.

DEFICIENCIES.

SCHEDULE of SUMS granted to make good deficiencies on the several grants herein particularly mentioned for the year ended on the 31st day of March 1881; viz.:—

CIVIL SERVICES.

	£	s.	d.
CLASS II.			
Board of Trade	654	5	2
The Mint, including Coinage	334	13	7
Fishery Board, Scotland	226	15	3
CLASS III.			
Chancery Division of the High Court of Justice	293	9	1
County Courts	7,250	14	6
Reformatory and Industrial Schools, Great Britain	28	15	3
Constabulary of Ireland	5,671	0	9
CLASS IV.			
Science and Art Department of the United Kingdom	240	9	2
CLASS V.			
Consular Services	4,641	14	10
Suez Canal (British Directors)	31	7	4
Suppression of the Slave Trade	457	9	11
TOTAL	19,830	14	10

SCHEDULE (B.)—PART 2.

SUPPLEMENTARY.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1882; viz.:—

CIVIL SERVICES.

	£
CLASS I.	
Royal Palaces	2,094
Royal Parks	800
Public Buildings, Great Britain	1,800
Sheriff Court Houses, Scotland	1,000
Harbours, &c., under the Board of Trade	1,096
Rates on Government Property	527
Shannon Navigation	3,000
CLASS II.	
Foreign Office	2,300
Colonial Office	6,300
Civil Service Commission	2,300
Friendly Societies Registry	215
Local Government Board, England	5,140
Stationery and Printing	19,600
Office of Works and Public Buildings	850
Fishery Board, Scotland	286
Household of Lord Lieutenant of Ireland	20
Chief Secretary for Ireland Offices	900
Local Government Board, Ireland	2,410
Public Works Office, Ireland	1,300

	£
CLASS III.	
Law Charges, England	18,000
Chancery Division of High Court of Justice, &c.	3,825
County Courts	16,087
Police Courts, London and Sheerness	360
Police, Counties and Boroughs, Great Britain	2,000
Courts of Law and Justice, Scotland	1,573
Register House Departments, Edinburgh	470
Law Charges and Criminal Prosecutions, Ireland	19,000
Irish Land Commission	34,919
County Court Officers, &c., Ireland	7,772
Constabulary of Ireland	116,547
CLASS IV.	
Science and Art Department	7,400
London University	40
Transit of Venus, 1882	275
Queen's University, Ireland	472
Royal University, Ireland	636
CLASS V.	
Diplomatic Services	20,860
Consular Services	12,794
Grants in Aid of Expenditure in certain Colonies	1,500
Transvaal and Zululand	4,356
Subsidies to Telegraph Companies	5,526
Treasury Chest	9,333
CLASS VI.	
Superannuation and Retired Allowances	3,000
Pauper Lunatics, Scotland	268
Miscellaneous, Charitable, and other Allowances, Great Britain	350
Commutation of Annuities	624
CLASS VII.	
Miscellaneous Expenses	4,145
Repayments to the Civil Contingencies Fund	6,214
Compensation to Edmund Galley	1,000
REVENUE DEPARTMENTS.	
Customs	22,000
Post Office	80,000
Post Office Telegraphs	80,000
Total	533,284

SCHEDULE (B.)—PART 3.

NAVY (SUPPLEMENTARY, 1881–82).

	£
For defraying the expenses incurred during the year ended on the 31st day of March 1882, for freight, &c., on account of the Army Department in connection with the outbreak of hostilities in the Transvaal, viz.:	
Vote 17. For freight of ships, for the victualling and conveyance of troops, on account of the Army Department	50,000

SCHEDULE (B.)—PART 4.

ZULU, &c., WARS, 1881–82

	£
For defraying Expenditure connected with the Zulu and other Wars in South Africa, prior to the late hostilities in the Transvaal - - - - -	135,000

SCHEDULE (B.)—PART 5.

NAVY.

SCHEDULE of SUMS granted to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1883; viz.:—

No.		Sums not exceeding £
1.	For wages, &c. to 57,500 seamen and marines - - - -	2,831,498
2.	For victuals and clothing for seamen and marines - - -	996,091
3.	For the expenses of the Admiralty Office - - - -	181,089
4.	For the expense of the coast guard service, the royal naval reserve, and seamen and marine pensioners reserve, and royal naval artillery volunteers - - - - - - - - -	195,416
5.	For the expense of the several scientific departments of the navy -	113,691
6.	For the expense of the dockyards and naval yards at home and abroad	1,447,258
7.	For the expense of the victualling yards at home and abroad - -	70,787
8.	For the expense of the medical establishments at home and abroad -	64,465
9.	For the expense of the Marine Divisions - - - -	22,016
10.	Sect. 1. For naval stores for building, repairing, and outfitting the fleet and coast guard - - - - - - -	1,122,500
	,, Sect. 2. For steam machinery, and ships built by contract, &c. -	767,153
11.	For new works, buildings, machinery, and repairs in the naval establishments - - - - - - - - -	479,603
12.	For medicines, medical stores, &c. - - - - - -	69,375
13.	For martial law, &c. - - - - - - - -	9,973
14.	For the expense of various miscellaneous services - - -	118,936
15.	For half pay, reserved half pay, and retired pay to officers of the navy and marines - - - - - - - - -	873,688
16.	Sect. 1. For military pensions and allowances - - - -	866,127
	,, Sect. 2. For civil pensions and allowances - - - -	330,535
17.	For freight of ships, for the victualling and conveyance of troops, on account of the army department - - - - - -	123,700
	TOTAL NAVY SERVICES - - £	10,483,901

SCHEDULE (B.)—PART 6.

ARMY.

SCHEDULE of SUMS granted to defray the charges for the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1883; viz.:—

No		Sums not exceeding £
1.	For the general staff and regimental pay, allowances, and charges of Her Majesty's land forces at home and abroad, exclusive of charges on India	4,162,000
2.	For divine service - - - - - - - - -	53,800
3.	For administration of military law - - - - - - -	37,200
4.	For medical establishments and services - - - - - -	300,800
5.	For the pay and allowances of a force of militia, not exceeding 138,274 men, including 28,000 militia reserve - - - - - -	492,000

No.		Sums not exceeding £
6.	For the yeomanry cavalry pay and allowances	69,000
7.	For the volunteer corps pay and allowances	562,700
8.	For the pay and allowances of a number of army reserve first class, not exceeding 26,000, and of the army reserve second class	229,500
9.	For commissariat, transport and ordnance store establishments, wages, &c.	394,300
10.	For provisions, forage, fuel, transport and other services	2,966,000
11.	For clothing establishments, services, and supplies	734,000
12.	For the supply, manufacture, and repair of warlike and other stores, including establishments of manufacturing departments	1,289,500
13.	For superintending establishment of, and expenditure for, works, buildings, and repairs at home and abroad	715,700
14.	For establishments for military education	127,500
15.	For miscellaneous effective services	36,400
16.	For the salaries and miscellaneous charges of the War Office	238,200
17.	For rewards for distinguished services, &c., exclusive of charges on India	26,700
18.	For half-pay, &c., of field marshals, and of general, regimental, and Departmental officers, exclusive of charges on India	95,000
19.	For retired pay, retired full pay, and gratuities, for reduced and retired officers, including payments awarded by Army Purchase Commissioners, exclusive of charges on India	1,116,100
20.	For widows' pensions and gratuities, for allowances on the compassionate list, and for the relief fund, &c., exclusive of charges on India	123,200
21.	For pensions for wounds	15,500
22.	For Chelsea and Kilmainham hospitals, and the in-pensioners thereof	33,800
23.	For the out-pensioners of Chelsea Hospital, &c., exclusive of charges on India	1,389,700
24.	For superannuation allowances	197,700
25.	For the non-effective services of the militia, yeomanry cavalry, and volunteer corps	51,800
	TOTAL ARMY SERVICES £	15,458,100

SCHEDULE (B.)—PART 7.

ARMY (INDIAN HOME CHARGES).

For the sum to be transferred in aid of Army Grants to meet the charge incurred in recruiting and training officers and men, and in defraying the non-effective expenditure for the regular forces serving in India, which will come in course of payment during the year ending on the 31st day of March 1883 £	1,100,000

SCHEDULE (B.)—PART 8.

CIVIL SERVICES.—CLASS I.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1883; viz.:—

No.		Sums not exceeding £
1.	For the maintenance and repair of the royal palaces	40,361
2.	For the maintenance and repair of Marlborough House	2,878
3.	For the royal parks and pleasure gardens (including a supplementary sum of 3,000*l.*)	113,921

No.		Sums not exceeding £
4.	For the buildings of the Houses of Parliament - - - - -	37,110
4A.	For the execution and erection of a statue in the Collegiate Church of St. Peter, Westminster, to the memory of the late Right Honourable Benjamin Disraeli, Earl of Beaconsfield, K.G., P.C. - -	1,050
5.	For the maintenance and repair of public buildings in Great Britain and the Isle of Man, including various special works; for providing the necessary supply of water; for rents of houses hired for accommodation of public departments, and charges attendant thereon, &c. - - - - - - - - - -	148,064
6.	For the supply and repair of furniture in the public departments of Great Britain - - - - - - - - - -	17,360
7.	For the expenses of the Customs, Inland Revenue, Post Office, and Post Office Telegraph Buildings, in Great Britain, including furniture, fuel, and sundry miscellaneous services - - - - - -	257,011
8.	For new buildings for county courts, maintenance and repair of courts, supply of furniture, fuel, &c., and other charges attendant thereon -	80,480
9.	For charges connected with Metropolitan Police Court Buildings -	6,598
10.	For one half of the expense of erecting or improving court houses or offices for the sheriff courts in Scotland, and the expense of maintaining the courts erected or improved - - - - - -	7,195
11.	For the purchase of a site, erection of building, and other expenses for the new courts of justice and offices belonging thereto - - -	117,200
12.	For the survey of the United Kingdom, including the revision of the survey of Ireland, maps for use in proceedings before the Land Judges in Ireland, publication of maps, and engraving the geological survey -	215,000
13.	For erecting and maintaining new buildings, including rents, &c., for the Department of Science and Art - - - - - -	25,099
14.	For the maintenance and repair of the British Museum and Natural History Museum buildings, for rents of premises, supply of water, fuel, &c., and charges attendant thereon - - - - -	7,247
15.	For the erection and fittings of a Natural History Museum (including a supplementary sum of 25,000*l.*) - - - - - -	70,858
16.	For maintaining certain harbours, &c. under the Board of Trade - -	8,695
17.	For rates and contributions in lieu of rates in respect of Government property, and for salaries and expenses of the rating of Government property department - - - - - - - -	201,088
18.	For contribution to the funds for the establishment and maintenance of a fire brigade in the metropolis - - - - - - -	10,000
18A.	In aid of the cost of maintenance of disturnpiked and main roads, during the year ended on the 28th day of March, or Whitsuntide 1882, in England, Wales, and Scotland - - - - - -	250,000
19.	For erection, repairs, and maintenance of the several public works and buildings under the department of the Commissioners of Public Works in Ireland, and for the erection of fishery piers, and the maintenance of certain parks, harbours, and navigations (including a supplementary sum of 3,645*l.*) - - - - - - - - -	193,853
19A.	For the purchase of site and buildings for the purposes of the Royal University, Ireland - - - - - - - -	27,000
20.	For expenses preparatory to, and of the erection of the Museum of Science and Art in Dublin, and of additions to the School of Art in Dublin - - - - - - - - - - -	10,000
21.	For works to regulate the flood waters of the River Shannon - -	10,512
22.	For erecting and maintaining certain lighthouses abroad - - -	10,650
23.	For diplomatic and consular buildings, including rents and furniture, and for the maintenance of certain cemeteries abroad (including a supplementary sum of 6,000*l.*) - - - - - - -	31,765
	TOTAL CIVIL SERVICES, CLASS I. - - £	1,870,995

SCHEDULE (B.)—PART 9.

CIVIL SERVICES.—CLASS II.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1883; viz.:—

No.		Sums not exceeding £
1.	For salaries and expenses in the offices of the House of Lords	43,105
2.	For salaries and expenses in the offices of the House of Commons	50,461
3.	For salaries and expenses of the department of Her Majesty's Treasury and in the office of the Parliamentary Counsel	56,653
4.	For salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices	92,234
5.	For salaries and expenses of the department of Her Majesty's Secretary of State for Foreign Affairs	70,847
6.	For salaries and expenses of the department of Her Majesty's Secretary of State for the Colonies, including certain expenses connected with Emigration	39,720
7.	For salaries and expenses of the department of Her Majesty's Most Honourable Privy Council and subordinate departments	30,438
8.	For salaries and expenses of the office of the Lord Privy Seal	2,855
9.	For salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments	176,270
10.	For salaries and expenses of the Charity Commission for England and Wales	30,496
11.	For salaries and expenses of the Civil Service Commission	31,738
12.	For salaries and expenses of the office of the Copyhold, Inclosure, and Tithe Commission	16,916
13.	For imprest expenses under the Inclosure and Drainage Acts	7,250
14.	For salaries and expenses of the department of the Comptroller and Auditor General, including the Chancery Audit Branch	57,974
15.	For salaries and expenses of the Registry of Friendly Societies	6,372
16.	For salaries and expenses of the Local Government Board, including various grants in aid of local taxation	428,145
17.	For salaries and expenses of the office of the Commissioners in Lunacy in England	15,071
18.	For salaries and expenses of the Mint, including the expenses of the coinage	82,357
19.	For salaries and expenses of the National Debt Office	14,621
20.	For charges connected with the Patent Law Amendment Act, the Registration of Trade Marks Act, and the Registration of Designs Act	39,849
21.	For salaries and expenses of the department of Her Majesty's Paymaster General in London and Dublin	26,126
22.	For salaries and expenses of the establishments under the Public Works Loan Commissioners	9,268
23.	For salaries and expenses of the Public Record Office in England	22,466
24.	For salaries and expenses of the department of the Registrar General of Births, &c. in England	69,426
25.	For stationery, printing, and paper, binding, and printed books, for the several departments of Government in England, Scotland, and Ireland, and some dependencies, and for the two Houses of Parliament; for the salaries and expenses of the Establishment of the Stationery Office, and the cost of Stationery Office publications, and of the Gazette Offices; and for sundry miscellaneous services, including a grant in aid of the publication of Parliamentary Debates	529,450
26.	For salaries and expenses of the office of Woods, Forests, and Land Revenues, and of the office of Land Revenue Records and Inrolments	23,187
27.	For salaries and expenses of the office of the Commissioners of Her Majesty's Works and Public Buildings	46,480
28.	For Her Majesty's foreign and other secret services	23,000

No		Sums not exceeding £
29	For salaries and expenses of the department of the Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, of certain officers in Scotland, and other charges formerly on the hereditary revenue -	6,671
30	For salaries and expenses of the Fishery Board in Scotland, and for grants in aid of piers or quays - - - - - - -	16 307
31	For salaries and expenses of the Board of Lunacy in Scotland - -	5,994
32	For salaries and expenses of the department of the Registrar General of Births, &c in Scotland - - - - - - - - -	7,737
33	For salaries and expenses of the Board of Supervision for Relief of the Poor, and for expenses under the Public Health and Vaccination Acts, including certain grants in aid of local taxation in Scotland (including a supplementary sum of 10,000*l*) - - - - -	28,621
34	For salaries of the officers and attendants of the household of the Lord Lieutenant of Ireland and other expenses - - - - -	7,587
35	For salaries and expenses of the offices of the Chief Secretary to the Lord Lieutenant of Ireland, in Dublin and London, and subordinate departments - - - - - - - - - -	39,606
36	For salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests for Ireland - - - - - -	2,103
37	For salaries and expenses of the Local Government Board in Ireland, including various grants in aid of local taxation - - - -	135,244
38	For salaries and expenses of the Office of Public Works in Ireland -	44,531
39	For salaries and expenses of the Public Record Office and of the Keeper of the State Papers in Ireland - - - - - - -	6,170
40	For salaries and expenses of the department of the Registrar General of Births, &c, and for expenses of the collection of agricultural and emigration statistics in Ireland - - - - - - -	28,552
41	For salaries and expenses of the general valuation and boundary survey of Ireland - - - - - - - - - - -	24,388
	Total Civil Services, Class II - £	2,387,286

SCHEDULE (B.)—Part 10

CIVIL SERVICES—Class III.

Schedule of Sums granted to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1883, viz —

No		Sums not exceeding £
1	For the salaries of the law officers, the salaries and expenses of the department of the Solicitor for the affairs of Her Majesty's Treasury, and of the department of the Queen's Proctor for divorce interventions, the costs of prosecutions, including those relating to the coin and to bankruptcy, and of other legal proceedings conducted by those departments, and various other legal expenses, including Statute Law Revision and Parliamentary Agency - - - - - -	83,138
2	For the salaries and expenses of the office of the Director of Public Prosecutions - - - - - - - - - -	3,831
3	For criminal prosecutions at assizes and quarter sessions in England, and for adjudications under the Summary Jurisdiction Act, 1879, for sheriffs expenses, salaries to clerks of assize and other officers, compensation to clerks of the peace and others, and for expenses incurred under Extradition Treaties - - - - - -	190,436
4	For such of the salaries and expenses of the Chancery Division of the High Court of Justice, of the Court of Appeal, and of the Supreme Court of Judicature, exclusive of the Central Office, as are not charged on the Consolidated Fund - - - - - - -	167,017

No.		Sums not exceeding £
5.	For the salaries and expenses of the Central Office of the Supreme Court of Judicature, the salaries and expenses of the Judges' Clerks and other officers, of the District Registrars of the High Court, the remuneration of the Judges' Marshals, and certain circuit and other expenses -	116,209
6.	For salaries and expenses of the Registries of Probate and Divorce and Matrimonial Causes, &c., in the Probate, Divorce, and Admiralty Division of the High Court of Justice - - - - -	92,990
7.	For salaries and expenses of the offices of the Admiralty Registrar and Marshal of the Probate, Divorce, and Admiralty Division of the High Court of Justice - - - - - - - -	11,162
8.	For salaries and expenses of the office of the Wreck Commissioner -	13,471
9.	For such of the salaries and expenses of the London Bankruptcy Court as are not charged on the Consolidated Fund - - - -	35,136
10.	For salaries and expenses connected with the County Courts - -	475,039
11.	For salaries and expenses of the Office of Land Registry - - -	5,442
12.	For the expense of revising barristers in England - - - -	18,690
13.	For salaries and expenses of the police courts of London and Sheerness -	15,556
14.	For contribution toward the expenses of the metropolitan police, and of the horse patrol, and Thames police, and for the salaries of the Commissioner, Assistant Commissioners, and Receiver - - -	486,858
15	For certain expenses connected with the police in counties and boroughs in England and Wales, and with the police in Scotland - - -	938,298
16.	For the superintendence of convict establishments and for the maintenance of convicts in convict establishments in England and the Colonies -	424,677
17.	For the salaries and expenses of the Commissioners and other officers appointed under the 6th and 7th sections of the Prison Act, 1877, and the expenses of the several prisons in England and Wales to which that Act applies (including a supplementary sum of 103,000*l.*) - -	566,804
18.	For the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools in Great Britain, and for the salaries and expenses of the Inspectors of Reformatories - - - -	270,643
19.	For the maintenance of criminal lunatics in Broadmoor Criminal Lunatic Asylum, England, and of one criminal lunatic in Bethlem Hospital -	26,142
20.	For salaries and expenses of the Lord Advocate's department and others connected with criminal proceedings in Scotland, including certain allowances under the Act 15 & 16 Vict. c. 83. - - - -	65,260
21.	For salaries and expenses of the Courts of Law and Justice in Scotland and other legal charges - - - - - - - -	61,200
22.	For salaries and expenses of the offices in Her Majesty's General Register House, Edinburgh - - - - - - - -	38,383
23.	For the expenses of the Prison Commissioners for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics and the preparation of judicial statistics - - -	120,987
24.	For the expense of criminal prosecutions and other law charges in Ireland, including certain allowances under the Act 15 & 16 Vict. c. 83. -	86,396
25.	For such of the salaries and expenses of the Supreme Court of Judicature in Ireland as are not charged on the Consolidated Fund - -	89,806
26.	For salaries and incidental expenses of the Court of Bankruptcy in Ireland	10,170
27.	For salaries and expenses of the Admiralty Court Registry in Ireland -	1,280
28.	For salaries and expenses of the Office for the Registration of Deeds in Ireland - - - - - - - - - -	18,976
29.	For salaries and expenses in the Office for the Registration of Judgments in Ireland - - - - - - - - - -	2,607
30.	For the salaries and expenses of the office of the Irish Land Commission -	92,552
31.	For the salaries, allowances, and expenses of various county court officers, and of magistrates in Ireland, and of the revising barristers of the city of Dublin - - - - - - - - - -	98,238
32.	For salaries and expenses of the Commissioners of Police, of the police courts and of the metropolitan police establishment of Dublin - -	135,317
33.	For the expenses of the Constabulary Force in Ireland (including a supplementary sum of 300,000*l.*) - - - - - - -	1,632,146

No.		Sums not exceeding £
34.	For the expense of the superintendence of prisons, and of the maintenance of prisoners in prisons in Ireland, and of the registration of habitual criminals	150,704
35.	For the expenses of reformatories and industrial schools in Ireland	96,308
36.	For the maintenance of criminal lunatics in Dundrum Criminal Lunatic Asylum, Ireland	6,706
	TOTAL CIVIL SERVICES, CLASS III. £	6,648,575

SCHEDULE (B.)—PART II.

CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1883; viz.:—

No.		Sums not exceeding £
1.	For public education in England and Wales, including the expenses of the Education Office in London	2,749,863
2.	For salaries and expenses of the Department of Science and Art, and of the establishments connected therewith	351,400
3.	For salaries and expenses of the British Museum, including the amount required for the Natural History Museum	137,375
4.	For salaries and expenses of the National Gallery (including a supplementary sum of 16,000*l.*)	33,878
5.	For salaries and expenses of the National Portrait Gallery (including a supplementary sum of 1,977*l.*)	4,562
6.	For grants in aid of the expenditure of certain learned societies in Great Britain and Ireland (including a supplementary sum of 6,500*l.*)	27,400
7.	For salaries and expenses of the University of London	11,631
7A.	In aid of the expenses of Aberystwith College	2,000
8.	For preparing an account of the scientific results of the expedition of Her Majesty's ship "Challenger" in 1873, 1874, 1875, and 1876, to investigate the physical and biological conditions of the great ocean basins, and of arranging the collections made during the expedition	4,100
8A.	For the salaries and expenses connected with observations of the Transit of Venus 1882	14,680
9.	For public education in Scotland	468,512
10.	For grants to Scottish Universities	19,032
11.	For the annuity to the Board of Trustees of manufactures in Scotland, in discharge of equivalents under the Treaty of Union, to be applied in maintenance of the National Gallery, School of Art and Museum of Antiquities, Scotland, and for the exhibition of the Torrie Collection of Works of Art, and for other purposes	2,100
12.	For public education under the Commissioners of National Education in Ireland	730,461
13.	For the salaries and expenses of the National School Teachers' Superannuation Office, Dublin	1,798
14.	For the salary and expenses of the Office of the Commissioners of Education in Ireland appointed for the regulation of endowed schools	725
15.	For salaries and expenses of the National Gallery of Ireland, and for the purchase of pictures (including a supplementary sum of 1,000*l.*)	3,339
16.	In aid of the expenses of the Queen's Colleges in Ireland	16,178
17.	In aid of the expenses of the Royal Irish Academy	2,000
	TOTAL CIVIL SERVICES, CLASS IV. £	4,581,034

SCHEDULE (B.)—PART 12.

CIVIL SERVICES.—CLASS V.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1883, viz.:—

No.		Sums not exceeding £
1	For expenses of Her Majesty's embassies and missions abroad	202,320
2.	For consular establishments abroad, and for other expenditure chargeable on the Consular Vote	258,100
3	For expenses of the mixed commissions established under the treaties with foreign powers for suppressing the traffic in slaves, and of other establishments in connection with that object, including the Muscat subsidy	5,973
4	For tonnage bounties, bounties on slaves, costs of captors, &c., and expenses of the Liberated African Department	10,796
5.	For salaries and expenses of the three representatives of Her Majesty's Government on the Council of Administration of the Suez Canal Company	1,670
6	In aid of colonial local revenue, and for the salaries and allowances of governors, &c., and for other charges connected with the colonies, including expenses incurred under the Pacific Islanders Protection Act, 1875	29,835
7	For certain charges connected with the Orange River Territory, the Transvaal, Zululand, and the island of St Helena (including a supplementary sum of 2,200*l*.)	12,145
8	For subsidies to telegraph companies and for the salary of the Official Director	35,300
9	In aid of the revenue of the island of Cyprus	90,000
	TOTAL CIVIL SERVICES, CLASS V. £	646,139

SCHEDULE (B.)—PART 13.

CIVIL SERVICES.—CLASS VI.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1883; viz.:—

No.		Sums not exceeding £
1	For superannuation and retired allowances to persons formerly employed in the public service, and for compassionate or other special allowances and gratuities awarded by the Commissioners of Her Majesty's Treasury	448,582
2	For pensions to masters and seamen of the merchant service, and to their widows and children	24,800
3	For the relief of distressed British seamen abroad	30,900
4	In aid of the local cost of maintenance of pauper lunatics in England and Wales	433,500
5.	In aid of the local cost of maintenance of pauper lunatics in Scotland	80,000
6	In aid of the local cost of maintenance of pauper lunatics in Ireland	90,000
7	For the support of certain hospitals and infirmaries in Ireland	16,925
8	For making good the deficiency arising from payments for interest to friendly societies	49,326
9	For miscellaneous, charitable, and other allowances in Great Britain	3,029
10.	For certain miscellaneous, charitable, and other allowances in Ireland	3,808
	TOTAL CIVIL SERVICES, CLASS VI. £	1,180,870

SCHEDULE (B.)—PART 14.

CIVIL SERVICES.—CLASS VII.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1883; viz.:—

No.		Sums not exceeding
		£
1.	For salaries and incidental expenses of temporary commissions and committees, including special inquiries - - - - -	25,941
2.	For certain miscellaneous expenses - - - - - -	9,211
	TOTAL CIVIL SERVICES, CLASS VII. - £	35,152

SCHEDULE (B.)—PART 15.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted to defray the charges of the several REVENUE DEPARTMENTS, &c. herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1883; viz.:—

No.		Sums not exceeding
		£
1.	For salaries and expenses of the Customs Department - - -	993,155
2.	For salaries and expenses of the Inland Revenue Department - -	1,907,822
3.	For salaries and expenses of the Post Office services, the expenses of Post Office savings banks, and Government annuities and insurances, and the collection of the Post Office revenue - - - - -	3,743,300
4.	For the Post Office packet service - - - - - -	710,514
5.	For salaries and expenses of the Post Office telegraph service - -	1,435,298
	TOTAL REVENUE DEPARTMENTS - - £	8,790,089

SCHEDULE (B.)—PART 16.

GREENWICH HOSPITAL AND SCHOOL.

	£
Advances during the year ending on the 31st day of March 1883 for defraying the expenses of Greenwich Hospital and School - - - -	155,457

SCHEDULE (B.)—PART 17.

FORCES IN THE MEDITERRANEAN.—VOTE OF CREDIT.

	£
Towards defraying the expenses, beyond the ordinary grants of Parliament, which may be incurred during the year ending on the 31st day of March 1883, in strengthening Her Majesty's Forces in the Mediterranean, including the cost of a further number of land forces of 10,000 men - -	2,300,000

SCHEDULE (B.)—PART 18.

AFGHAN WAR (GRANT IN AID).

	£
For paying an instalment of a grant in aid of the expenditure incurred by the Government of India upon the war in Afghanistan, in the years 1878–80, which will become due and payable during the year ending on the 31st day of March 1883 - - - - - - - - -	500,000

CHAPTER 72.

An Act for amending the Laws relating to Customs and Inland Revenue, and Postage and other Stamps, and for making further provision respecting the National Debt and charges payable out of the public revenue or by the Commissioners for the Reduction of the National Debt; and for other purposes. [18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Revenue, Friendly Societies, and National Debt Act, 1882. Short title.

PART I.

CUSTOMS AND EXCISE.

2. (1.) If the Commissioners of Customs shall for any reasonable cause at any time revoke an order approving a warehouse, the duties on all the warehoused goods therein shall be paid or the goods shall be exported or removed to another approved warehouse within such time, not less than three months, as the Commissioners shall direct. Notice in writing of revocation or of the directions of the Commissioners, addressed to the proprietor or occupier of the warehouse and left thereat, shall be deemed to be notice to all persons interested in the goods. Such notice shall be advertised not less than four times at intervals of not less than fifteen days previous to the expiry of the said term of three months. Upon revocation of approval of a customs warehouse goods to be cleared or removed

(2.) If any goods shall not be duly cleared or removed in conformity with this section, such goods shall be taken to a Queen's warehouse by the officers of customs, and shall be liable to be sold for the same purposes and in the same manner as goods taken to the Queen's warehouse under section sixty-one of the Customs Consolidation Act, 1876. 39 & 40 Vict. c. 36.

3. No salary or sum of money granted or allowed to any officer of customs or person employed in the collection, receipt, or management of the customs revenue, and no sum of money allowed as or by way of compensation for past services, or upon the superannuation or retirement of such officer or person, shall be subject or liable to be seized or taken under or by virtue of any process whatsoever before the same shall have been actually paid to or for the use of the officer or person to whom the same shall have been granted or allowed. Salaries and superannuation allowances to officers not subject to execution or attachment.

4. The allowances of twopence and fourpence per gallon payable in respect of British spirits by virtue of section four of the Act of the twenty-third and twenty-fourth years of Her Majesty's reign, chapter one hundred and twenty-nine, and section sixteen of the Customs and Inland Revenue Act, 1881, shall be paid, in the case of spirits exported, to the person who shall have given security for the exportation, and in the case of spirits used in warehouse, to the person upon whose written request the spirits shall have been so Amendment of the law as to the persons entitled to receive the allowances on British spirits. 44 & 45 Vict. c. 12.

used, and any provision in the law to the contrary is hereby repealed.

Amendment of section 9 of 43 & 44 Vict. c. 24.

5. The rent charged for the lodgings, unfurnished, of officers of Inland Revenue in charge of a distillery for which a licence is granted under subsection two of section nine of the Spirits Act, 1880, must not exceed fifteen pounds a year in respect of each officer, unless the Commissioners of Inland Revenue, with the concurrence of the Commissioners of Her Majesty's Works and Public Buildings and the approval of the Treasury, shall agree for the payment of a higher rent.

Person charged with an offence against section 4 of 23 & 24 Vict. c. 90. may be convicted of an offence against section 7 of 33 & 34 Vict. c. 57.

6. If upon the hearing of an information exhibited against any person for recovery of the penalty imposed by the fourth section of the Act of the twenty-third and twenty-fourth years of Her Majesty's reign, chapter ninety, it shall be proved that such person used or carried a gun without having in force a proper licence under the Gun Licence Act, 1870, he shall not be entitled to be wholly acquitted by reason of a failure to prove an offence against the said section, but the Court before whom the said information is heard shall be at liberty to acquit him of the charge contained in the said information and convict him of an offence against the seventh section of the Gun Licence Act, 1870, and order him to pay the penalty thereby imposed.

Amendment of 43 & 44 Vict. c. 19.

7. Notwithstanding anything contained in the Taxes Management Act, 1880, section sixty of the Act of the session of the forty-third year of the reign of King George the Third, chapter one hundred and sixty-one, intituled "An Act for repealing the several "duties under the management of the Commissioners for the Affairs "of Taxes, and granting new duties in lieu thereof; for granting "new duties in certain cases therein mentioned; for repealing the "duties of excise on licences and on carriages constructed by coach-"makers, and granting new duties thereon, under the management "of the said Commissioners for the Affairs of Taxes, and also new "duties on persons selling carriages by auction or on commission," shall be deemed to have continued in force since the time of the passing of the said Taxes Management Act, 1880, to the same extent to which it was in force at that time.

The following portions of section fifty-nine of the Taxes Management Act, 1880, are hereby repealed; that is to say,

(*a.*) In section fifty-nine, subsection (2) (*b*), the words "and all "such orders shall be final and conclusive on all parties:"

(*b.*) In subsection (2) (*d*) of the same section the words "of the High Court" after the word "orders," and in subsection (4) of the same section the words "therein referred to."

In the said section fifty-nine, subsection (2) (*e*), is hereby repealed as regards England and Ireland.

PART II.

STAMPS.

Stamp duty on grants of superannuation annuities. 33 & 34 Vict. c. 97.

8. In lieu of the stamp duty chargeable thereon by virtue of the Stamp Act, 1870, there shall be charged on any grant or contract for payment of a superannuation annuity as herein-after defined the duty following; (that is to say):—

	£	s.	d.
For every full sum of 5*l.* and also for any fraction less than 5*l.* or over and above 5*l.* or a multiple of 5*l.* of the annuity - - - - -	0	0	6

"Superannuation annuity" means a deferred life annuity granted or secured by contract to any person in consideration of annual premiums payable until he should attain any specified age, and so as to commence on his attaining that age.

Exemption of certain drafts and receipts for public purposes.

9. No stamp duty shall be chargeable upon the following instruments; (that is to say,)

Draft or order drawn upon any banker in the United Kingdom by an officer of a public department of the State for the payment of money out of a public account.

Receipt given by an officer of a public department of the State for money paid by way of imprest or advance, or in adjustment of an account, where he derives no personal benefit therefrom.

Exemption from stamp duty of certain agreements under 44 & 45 Vict. c. 49.

10. No stamp duty shall be deemed to have been or to be chargeable upon an agreement entered into between a landlord and tenant pursuant to subsection six of section eight or subsection two of section twenty of the Land Law (Ireland) Act, 1881.

Returns by banking companies, subject to 25 & 26 Vict. c. 89., &c.

11. (1.) A banking company to which the provisions of the Companies Acts, 1862 to 1880, are applicable, having duly forwarded to the registrar of joint stock companies a list and summary as required by the second part of the Companies Act, 1862, and having added thereto a statement of the names of the several places where it carries on business, shall not, after the passing of this Act, be bound to furnish to the Commissioners of Inland Revenue any returns under the provisions of any of the enactments specified in the First Schedule to this Act.

(2.) From and after the passing of this Act the expressions "bank" and "bankers" in the Bankers Books Evidence Act, 1879, shall include any company carrying on the business of bankers to which the provisions of the Companies Acts, 1862 to 1880, are applicable, and having duly furnished to the registrar of joint stock companies a list and summary with the addition specified by this Act, and the fact of such list and summary having been duly furnished may be proved in any legal proceedings by the certificate of the registrar or any assistant registrar for the time being of joint stock companies. 42 & 43 Vict. c. 11.

Power to Treasury to grant compensation for loss of fees under 44 & 45 Vict. c. 12. ss. 33 and 34.

12. Where it shall be proved to the satisfaction of the Treasury that any officer of the Probate, Divorce, and Admiralty Division of the High Court of Justice in England or of the Probate and Matrimonial Division of the High Court of Justice in Ireland, or any commissary clerk or sheriff clerk in Scotland, has suffered any loss in consequence of the reduction by virtue of section thirty-three or section thirty-four of the Customs and Inland Revenue Act, 1881, of the amount of fees payable to him in the cases mentioned in such sections respectively, it shall be lawful for the Treasury to award to him out of moneys provided by Parliament such compensation, whether by way of an annual sum or gratuity, as they may think reasonable.

Assimilation of certain adhesive stamps for stamp

13. (1.) On and after the first day of January one thousand eight hundred and eighty-three any stamp duties of an amount not exceeding two shillings and sixpence which may legally be denoted

duties and postage duties.

by adhesive stamps not appropriated by any word or words on the face of them to any particular description of instrument, and any postage duties to the like amount may be denoted by the same adhesive stamps.

(2.) With a view to exhaust any adhesive postage stamps denoting an amount not exceeding two shillings and sixpence which may have been unissued or unused, such stamps to a proper amount may be used to denote any stamp duties of an amount not exceeding two shillings and sixpence, which may legally be denoted by adhesive stamps not appropriated by any word or words on the face of them to any particular description of instrument.

Provision as to cancellation where two or more adhesive stamps are used for a stamp duty.

14. (1.) Where two or more adhesive stamps are used to denote a stamp duty upon an instrument, such instrument is not to be deemed duly stamped unless the person upon whom the duty of cancellation is by law imposed cancels each or every stamp by writing on or across the same his name or initials or the name or initials of his firm, together with the true date of his so writing, so that both or all and every of the stamps may be effectually cancelled and rendered incapable of being used for any other instrument, or for any postal purpose, or unless it is otherwise proved that the stamps appearing on the instrument were affixed thereto at the proper time.

(2.) If any person contravenes this section he shall incur the penalty imposed by section twenty-four of the Stamp Act, 1870.

Extension of interpretation of section 25 of 33 & 34 Vict. c. 97. 3 & 4 Vict. c. 96. 38 & 39 Vict. c. 22.

15. Section twenty-five of the Stamp Act, 1870, shall be read as if the word "instrument" therein contained embraced a letter or cover within section twenty-three of the Post Office Duties Act, 1840, and any postal packet and the cover thereof which by the Post Office Act, 1875, is to be deemed a letter or cover within the same section, and as if the word "duty" therein contained embraced any postage duty as well as any stamp duty upon an instrument.

This section shall not exempt any person from any proceeding by indictment or otherwise for any offence which is punishable under the Post Office Acts as defined by the Post Office (Offences) Act, 1837, or otherwise by law, provided that no person shall be liable to be punished more than once for the same offence.

7 Will. 4. & 1 Vict. c. 36.

The stamp duties granted in respect of letters patent for inventions, and on the certificate of registration of a design, to be deemed public office fees and not stamp duties. 16 & 17 Vict. c. 58.

16. From and after the passing of this Act the Public Offices Fees Act, 1879, shall, notwithstanding anything to the contrary therein contained, apply and be deemed to have been applicable as from the first day of April one thousand eight hundred and eighty-two, to the stamp duties granted to Her Majesty, Her heirs and successors, by an Act passed in the session holden in the sixteenth and seventeenth years of the reign of Her Majesty, intituled "An "Act to substitute stamp duties for fees on passing letters patent "for inventions, and to provide for the purchase for the public use "of certain indexes of specifications," and also to the stamp duty of five pounds on the "certificate of registration of a design" granted to Her Majesty, Her heirs and successors, by the Stamp Act, 1870, and the said duties shall be deemed to be, and to have been as from the said first day of April, fees payable in a public office and not stamp duties.

Provision for composition for stamp duty

17. Whereas by the Canadian Stock Stamp Act, 1874, provision was made for the government of Canada paying capital sums, cal-

culated at the rate therein mentioned, as composition for stamp duty chargeable on transfers of any stock of the government of Canada inscribed in books kept in the United Kingdom

on certain Canadian loans

And whereas after the passing of the above Act the government of Canada issued to the public, with the option of inscription at any time in books kept in the United Kingdom, the loans mentioned in the Second Schedule to this Act, and holders of the said loans before the passing of the Inland Revenue Act, 1880, had exercised that option to the extent in the said Schedule mentioned, and the government of Canada had paid composition for the stamp duty accordingly

37 & 38 Vict c 26

43 & 44 Vict c 20

And whereas by section fifty-four of the Inland Revenue Act, 1880, the amount of the composition for stamp duty chargeable on transfers of stock of the government of Canada and other stock was increased, subject to a proviso that such increased composition should not apply for twelve months in the case of the holders of debentures of the government of a colony who had an option to exchange such debentures within twelve months for colonial stock, to which the Colonial Stock Act, 1877, applied

40 & 41 Vict c 59

And whereas, having regard to the special circumstances connected with the issue of the stock mentioned in the said Schedule, it is expedient to make for the holders of that stock a similar provision to that made by the above-mentioned proviso in the case of the holders of colonial stock

Be it therefore enacted as follows

Where at any time since the passing of the Inland Revenue Act, 1880, whether before or after the passing of this Act, but before the first day of April, one thousand eight hundred and eighty six, any part of the loans of the government of Canada mentioned in the Second Schedule to this Act, has been inscribed as stock in books kept in the United Kingdom, the government of Canada may pay to the Commissioners of Inland Revenue, by way of composition for the stamp duty chargeable on transfers of such stock, a sum calculated at the rate mentioned in the Canadian Stock Stamp Act, 1874, instead of the rate mentioned in the Inland Revenue Act, 1880

PART III

National Debt and Miscellaneous

Adjustment of account as regards accumulations of fractions of a penny on the dividends of the National Debt

18. Whereas the full amounts of dividends on the national debt payable at the Bank of England have from time to time been issued from the Exchequer to the Governor and Company of the said bank

And whereas fractions of a penny have never been paid by the Governor and Company of the Bank of England on account of the dividends on the national debt, and the fractions so unpaid have accumulated in the hands of the governor and company of the Bank of England, and such accumulations amount, as shown by the account in the Third Schedule to this Act, to upwards of one hundred and forty thousand pounds

And whereas the sums issued out of the Exchequer to the governor and company of the Bank of England for payment of the dividends exceed, as shown in the said account, the sums paid for

dividends, and out of the sums so issued a net sum of upwards of seven hundred thousand pounds, as shown by the said account, has been repaid to the Exchequer in pursuance of the enactments referred to in the said Schedule and was on the thirty-first March one thousand eight hundred and eighty-two outstanding in the books of the Bank of England.

And whereas it is expedient to make such provision as hereinafter appearing, respecting the said accumulations of fractions of a penny. Be it therefore enacted as follows:—

The governor and company of the Bank of England shall from time to time, when required by the Treasury, certify to the Treasury the amount in their hands arising from fractions of a penny not paid on account of dividends on the national debt, and the Treasury may by warrant direct the said governor and company to repay the same to the Exchequer: Provided that so long as there is an account outstanding of money repaid into the Exchequer, as aforesaid, out of the sums issued for the payment of dividends, the same instead of being repaid shall be written off from the said account, and also from the account of the sums issued from the Exchequer for the payment of the said dividends, and such amount shall be written off as if it had never been issued from the Exchequer.

Quarterly payment of dividends on 2½ per cents. 33 & 34 Vict. c. 71.

19. After such date as the Treasury may appoint the dividends payable in respect of the two pounds ten shillings per centum annuities mentioned in the first schedule to the National Debt Act, 1870, shall be paid quarterly, on the fifth day of January, the fifth day of April, the fifth day of July, and the fifth day of October in every year, and the said Act shall be construed accordingly; and references therein to a half year's dividend shall be construed to refer as regards the two pounds ten shillings per centum annuities to a quarter's dividend.

Regulations may be made under section thirty-nine of the said Act for carrying into effect such quarterly payments in the case of stock certificates, and for the return of old coupons and the issue of new coupons for that purpose.

Termination of fortification loans.

20. Whereas under the Acts mentioned in the Fourth Schedule to this Act (in this section referred to as the Fortification Acts) divers sums amounting in the whole to seven million four hundred and sixty thousand pounds were authorised to be borrowed by the Treasury by the creation of terminable annuities, and to be applied under the direction of one of Her Majesty's Principal Secretaries of State towards defraying the expenses of constructing the fortifications mentioned in the Fortification Acts:

And whereas of the above sums the sum of seven million four hundred and twenty-five thousand pounds has been actually raised in pursuance of the Fortification Acts by means of loans from the National Debt Commissioners made on the security of terminable annuities created under the said Acts, and the balance of thirty-five thousand pounds has not been raised:

And whereas out of the sums raised by such loans a balance of four thousand and eighty pounds one shilling and tenpence is unexpended:

And whereas it is expedient to provide for the disposal of the said unexpended balance and to extinguish the said power of

raising money and creating terminable annuities: Be it therefore enacted as follows:

Such portion of the amount raised in pursuance of the Fortification Acts as at the passing of this Act has not been expended shall at such time as the Treasury may direct be paid to the National Debt Commissioners in repayment of an equivalent part of the loans made by them under the said Acts; and so much of the annuities created under the Fortification Acts and standing in the names of those Commissioners as the Controller General or Assistant Controller and the Actuary of the National Debt Office may certify under their hands to be equivalent to the amount of such repayment shall be cancelled in such manner as the Treasury may direct.

All power of raising any money under the Fortification Acts shall cease and the Fortification Acts shall be repealed;

Provided that—

(1.) All annuities created in pursuance of the said Acts shall, save as provided by this section, continue to be charged on the Consolidated Fund and paid as if the said Acts had not been repealed; and

(2.) All land vested in one of Her Majesty's Principal Secretaries of State in pursuance of the said Act shall continue to be vested in such Secretary of State on behalf of Her Majesty.

21. Whereas by divers Acts and lastly by the Friendly Societies Act, 1875, the societies in those Acts and this Act referred to as friendly societies are authorised to invest the moneys received from members on account of assurances with the National Debt Commissioners, and to pay such moneys to those Commissioners in sums of not less than fifty pounds, and are entitled to receive receipts for such moneys bearing interest at the following rates; that is to say, 38 & 39 Vict. c. 60. s. 17.

For money invested by any society legally established before the 28th day of July 1828, which invested money with the Commissioners before 23rd July 1855.	On account of any assurance made before the 15th day of August 1850.	Threepence per centum per diem.
	On account of any assurance effected after that day.	Twopence per centum per diem.
For money invested by any society legally established between the 28th day of July 1828, and the 15th day of August 1850, which invested any money with the Commissioners before 23rd July 1855.	On account of any assurance made before the 15th day of August 1850.	Twopence halfpenny per centum per diem.
	On account of any assurance effected after that day.	Twopence per centum per diem.
For money invested by any society legally established since the 15th day of August 1850.	On account of any assurance whenever effected.	Twopence per centum per diem.

And whereas the Commissioners have from time to time invested the moneys so paid to them in parliamentary securities to an account entitled the fund for Friendly Societies, but such securities have produced less interest than that to which the societies were entitled as above-mentioned, and thereby there has been, as appears from the returns annually laid before Parliament, a gradually increasing deficiency in the value of the securities held by the National Debt Commissioners on the said account to meet the sums due from those Commissioners to the Friendly Societies:

40 & 41 Vict. c. 13. ss. 16, 17.

And whereas the Customs, Inland Revenue, and Savings Banks Act, 1877, provided that the National Debt Commissioners shall annually make out an account with respect to the year ending on the twentieth day of November, showing on one side the interest accrued from the said securities, and on the other side the interest paid and credited to Friendly Societies; and further, after reciting that it was intended that where the interest accrued from such securities in any year was insufficient to meet the interest required to be paid and credited, such deficiency should be paid out of moneys provided by Parliament, the said Act provided for paying into the Exchequer any surplus of interest received over and above the interest paid and credited:

And whereas it is expedient to provide for the payment out of the Consolidated Fund of all capital sums, as well as the interest due from the National Debt Commissioners to Friendly Societies, when the securities held on account of Friendly Societies by the said Commissioners to meet the same have been exhausted:

Be it therefore enacted, as follows:

Guarantee from the Consolidated Fund of moneys due from the National Debt Commissioners to Friendly Societies.

(1.) Whenever it appears to the Treasury from time to time that by reason of the securities held by the National Debt Commissioners on account of Friendly Societies being exhausted, the moneys in the hands of the National Debt Commissioners standing to the credit of the fund for Friendly Societies will be insufficient to meet the sums which are likely to become due from the National Debt Commissioners to Friendly Societies, the Treasury shall provide money to meet the deficiency out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in such manner as they may think expedient.

(2.) The Treasury may in any financial year borrow all or any part of the moneys issued in that financial year out of the Consolidated Fund, or the growing produce thereof, in pursuance of this Act, by means of a terminable annuity for such period not exceeding eighteen years from the thirty-first day of December next after the passing of this Act as the Treasury think expedient.

(3.) An annuity created in pursuance of this section shall be created by warrant of the Treasury to the Governor and Company of the Bank of England directing them to inscribe in their books the amount of such annuity in the names directed by the warrant.

(4.) Every such annuity shall be charged on the Consolidated Fund, and shall be added to and paid out of the permanent annual charge for the National Debt, and the permanent annual charge for the National Debt shall, during the period for which the said annuity is created be increased by the amount of the annuity.

(5.) All money for the time being in the hands of the National Debt Commissioners on account of Friendly Societies shall be invested by them in the like manner as if they were moneys in their hands on account of savings banks, and all enactments relating to the investment of such last-mentioned moneys shall apply accordingly.

Investment of moneys belonging to Friendly Societies.

22. Whereas under the Prison (Officers Superannuation) Act, 1878, the Treasury are authorised in certain cases to pay to a local authority a capital sum as commutation of the share of an annuity payable to an officer of a prison by the Treasury, and are also authorised to accept from a local authority a capital sum as commutation of the share of any such annuity payable by the local authority, and it is provided that any sum so paid by the Treasury shall be paid out of moneys provided by Parliament, and that any sum so paid to the Treasury shall be paid into the Exchequer, and it is expedient to make such other provision respecting the said capital sums as herein-after mentioned; be it therefore enacted as follows:

Advance of money by National Debt Commissioners for payment of commutation under 41 & 42 Vict. c. 63.

(1.) The National Debt Commissioners may, on the request of the Treasury, advance out of any funds for the time being in their hands on account of savings banks any capital sum to be paid by the Treasury in pursuance of the Prison (Officers Superannuation) Act, 1878.

(2.) Any amount advanced by the National Debt Commissioners in pursuance of this section shall be repaid to them by means of a terminable annuity for a period of ten years, to be calculated with interest at the rate of not less than three and a half per cent. per annum, and such annuity shall be paid out of moneys provided by Parliament.

(3.) If at any time it appears desirable to the Treasury and to the said Commissioners that a portion of any such advance should be repaid immediately out of the Consolidated Fund, the Treasury may charge on and issue to the said Commissioners out of the Consolidated Fund or the growing produce thereof the said portion, and the annuity shall be reduced by an amount equivalent to the portion of the advance so repaid.

(4.) All capital sums paid to the Treasury by a local authority in pursuance of the Prison (Officers Superannuation) Act, 1878, shall be paid to the National Debt Commissioners and shall be applied by them in like manner as is directed with respect to the old sinking fund by section five of the Sinking Fund Act, 1875.

38 & 39 Vict. c. 45.

(5.) The amount of any annuity payable to the National Debt Commissioners in pursuance of this section, and the portion of any advance which is to be repaid immediately out of the Consolidated Fund to the National Debt Commissioners, and the amount by which any annuity is to be reduced in consequence of such repayment shall be certified under the hands of the Controller General or Assistant Controller and the Actuary of the National Debt Office.

23. Whereas by the Consolidated Fund (Permanent Charges Redemption) Act, 1873, the Treasury are authorised as regards certain annuities as defined by that Act which are charged on the Consolidated Fund or moneys provided by Parliament to contract for their redemption by payment of a capital sum out of moneys

Amendment of 36 & 37 Vict. c. 57. so far as regards permanent charges on the Consolidated Fund pay-

able to ecclesiastical corporations

provided by Parliament not exceeding the sum therein mentioned, and in the case of any annuity payable to an ecclesiastical corporation, the contract for such redemption is made subject to the consent of the Ecclesiastical Commissioners for England and the money for such redemption is to be paid to those Commissioners to be applied under their direction for the benefit of the person entitled thereto.

And whereas any such contract may provide for the said redemption by the transfer of Government securities as therein defined instead of by the payment of a sum of money

And whereas it is expedient to extend the powers of the said Act as regards the redemption of annuities payable to ecclesiastical corporations in England Be it therefore enacted as follows —

(1) The Treasury may, in pursuance of the Consolidated Fund (Permanent Charges Redemption) Act, 1873, contract from time to time with the Ecclesiastical Commissioners for England for the redemption of all or any of the annuities redeemable under that Act which are payable to ecclesiastical corporations in England, and on payment of the money or transfer of the securities to the Ecclesiastical Commissioners in pursuance of any such contract, the annuities to which the contract refers shall cease to be charged on and payable out of the Consolidated Fund or moneys provided by Parliament, and shall be payable by the Ecclesiastical Commissioners for England, so however that any proportionate part of any such annuity which may be due up to the time of such payment or transfer shall be paid by the Treasury to the person entitled thereto

(2) The Treasury may from time to time borrow from the National Debt Commissioners, and those Commissioners may lend out of the funds in their hands on account of Trustee and Post Office Savings Banks, such capital sum or such Government securities as may be necessary for the purpose of carrying into effect any contract with the Ecclesiastical Commissioners under this section

(3) For the purpose of repaying any such loan the Treasury may by warrant under their hands create, and direct the Governor and Company of the Bank of England to inscribe in their books for the National Debt Commissioners, a terminable annuity for a period of ten years from the date of the loan, to be calculated with interest at the rate of not less than three and a half per cent per annum

32 & 33 Vict c. 59.

(4) Sections four, five, six, and seven of the Savings Bank Investment Act, 1869, shall apply to every such terminable annuity in like manner as they apply to the terminable annuities created in pursuance of that Act for the National Debt Commissioners

Removal of doubts as to Crown rights to escheats, fines, and recognisances within certain liberties of the Duchy of Lancaster

24. Whereas doubts have arisen as to whether the right of Her Majesty to certain escheats, forfeitures, personal estate of intestates, fines, and recognisances, herein-after mentioned, is vested in Her Majesty in right of Her Crown or in right of Her Duchy of Lancaster, and it is expedient to remove such doubts

Be it therefore enacted as follows —

Such rights of Her Majesty as are herein-after mentioned shall be deemed to have been vested in Her Majesty in right of Her Crown

as from and after the first day of January, one thousand eight hundred and eighty-one.

Forthwith after the passing of this Act the Treasury shall cause a sum of fifteen thousand pounds to be paid out of the Consolidated Fund or out of the growing produce thereof to the Receiver General of the revenues of the Duchy of Lancaster, or his deputy or deputies, and such sum shall be applied in like manner as sums arising from the sale of any part of the possessions of the Duchy of Lancaster are applied under the Duchy of Lancaster Lands Act, 1855, and the provisions of that Act shall apply in like manner as if such sum were purchase money for land sold under the authority of that Act. 18 & 19 Vict. c. 58.

The rights of Her Majesty to which this section applies are:—

(*a.*) Any right vested in Her Majesty to any escheat or forfeiture of land lying within any liberty of the Duchy of Lancaster which is not situated in the county of Lancaster, not being an escheat or forfeiture of land holden of any manor vested in Her Majesty in right of Her Duchy of Lancaster;

(*b.*) Any right vested in Her Majesty to the personal estate of any person dying intestate and without next of kin who is domiciled within any such liberty;

(*c.*) Any right vested in Her Majesty to any sum arising from a fine imposed on or estreated recognisance acknowledged by any person residing within any such liberty.

25. So much of the Act of the session of the twenty-first and twenty-second years of the reign of Her present Majesty, chapter seventy-two, intituled "An Act to facilitate the sale and transfer of land in Ireland," as limits certain fees therein mentioned to a sum not exceeding three halfpence for every seventy-two words is hereby repealed. Amendment of 21 & 22 Vict. c. 72. and 40 & 41 Vict. c. 57. as to fees in proceedings under Land Judges, Ireland.

Section eighty-four of the Supreme Court of Judicature (Ireland) Act, 1877, shall apply to all fees and percentages to be taken in any proceedings under the above-mentioned Act of the twenty-first and twenty-second years of the reign of Her present Majesty, and any Act amending the same, with this qualification that the Land Judges or one of them shall be substituted in the said section for the Presidents of the divisions of the High Court, or one of them.

26. In this Act, unless the context otherwise require: Definitions.

The expression "Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "National Debt Commissioners" means the Commissioners for the Reduction of the National Debt.

The expression "financial year" means the twelve months ending on the thirty-first day of March.

FIRST SCHEDULE.

BANKING ACTS.

6 Geo. 4. c. 42.	7 & 8 Vict. c. 32. s. 21.
7 Geo. 4. c. 46.	8 & 9 Vict. c. 37. s. 22.
7 Geo. 4. c. 67.	8 & 9 Vict. c. 38. s. 13.

SECOND SCHEDULE.

DOMINION OF CANADA LOANS.

The following amounts of 4 per cent. loans were issued to the public in the following years:

	£	
In 1874 - - - - -	4,000,000	
In 1875 - - - - - -	1,000,000	
In 1876 - - - - -	2,500,000	
In 1878–9 - - - - -	4,500,000	
		£12,000,000

Of the above there were inscribed in books kept in the United Kingdom up to the first day of May 1882:

	£	
Of the loan of 1874 - - - -	1,831,200	
" " 1875 - - - -	500,000	
" " 1876 - - - -	1,088,000	
" " 1878–9 - - - -	2,279,700	
		£5,698,900
Leaving in the hands of the public with option of inscription - - - - - -		£6,301,100

THIRD SCHEDULE.

ACCOUNT AS TO DIVIDENDS ON NATIONAL DEBT.

I.

ACCOUNT of FRACTIONS of a PENNY accumulated in the Hands of the GOVERNOR and COMPANY of the BANK of ENGLAND to 31st March 1882.

	£	s.	d.
Consolidated £3 per cent. Annuities - - -	80,997	1	9
Reduced £3 per cent. Annuities - - - -	15,068	5	11
New £3 per cent. Annuities - - - -	4,289	11	7
£2 10*s.* per cent. Annuities, 1854 - - - -	37	9	4
New £3 10*s.* per cent. Annuities, 1854 - - -	6	5	0
Annuities for 30 years, ending 1885 - - -	7	15	11
Annuities for terms of years - - - - -	36	2	11
Red Sea and India Telegraph Annuity - - -	0	10	8
New £5 per cent. Annuities, 1830 - - - -	13	4	7
£5 per cent. Annuities (Consolidated) - - -	6,557	7	0
£4 per cent. Annuities, Consolidated, 1780 - - -	1,359	9	0
£3 per cent. Annuities, 1726 - - - -	1,429	9	7
£3 10*s.* per cent. Annuities, 1818 - - - -	10,595	19	8
£4 per cent. Annuities, 1826 - - - -	49	0	2
£3 10*s.* per cent. Reduced Annuities, 1824 - - -	797	15	4
New £4 per cent. Annuities, 1822 - - - -	2,231	13	4
New £3 10*s.* per cent. Annuities, 1830 - - -	3,872	12	4
£3 5*s.* per cent. Annuities, 1844 - - - -	3,204	5	11
Consolidated Long Annuities, 1780 - - - -	127	19	0
Sundry balances of old Annuities - - - -	12,590	12	2
	£143,272	11	2

II.

	£	s.	d.	£	s.	d.
Excess, on 31st March 1882, of issues out of the Exchequer to the Governor and Company of the Bank of England for payment of dividends beyond the sums paid - - - - -				849,372	17	1
Amount repaid by the Bank of England to the Exchequer in 1791 under 31 Geo. 3. c. 33, and in 1808 under 41 Geo. 3. c. 4., being amount appropriated out of surplus balances of dividend accounts - - - - -	876,739	0	9			
Less:—						
Issues to the Bank in 1877–8, 1879–80, and 1880–1, under 24 Vict. c. 3 - - -	120,000	0	0			
Net repayment by the Bank - - - - -				756,739	0	9
Cash balance in the hands of the Bank of England on 31st March 1882 available for payment of dividends - - - -				£92,633	16	4

FOURTH SCHEDULE

FORTIFICATION ACTS.

Session and Chapter	Title
23 & 24 Vict c 109. -	An Act for defraying the expenses of constructing fortifications for the protection of the Royal Arsenals and Dockyards and the ports of Dover and Portland, and of creating a central arsenal
25 & 26 Vict c 78. -	An Act for providing a further sum towards defraying the expenses of constructing fortifications for the protection of the Royal Arsenals and Dockyards and the ports of Dover and Portland, and of creating a central arsenal
26 & 27 Vict c 80 -	An Act for providing a further sum towards defraying the expenses of constructing fortifications for the protection of the Royal Arsenals and Dockyards and the ports of Dover and Portland, and of creating a central arsenal
27 & 28 Vict c. 109 -	An Act for providing a further sum towards defraying the expenses of constructing fortifications for the protection of the Royal Arsenals and Dockyards and the ports of Dover and Portland, and of creating a central arsenal
28 & 29 Vict. c. 61. -	An Act for providing a further sum towards defraying the expenses of constructing fortifications for the protection of the Royal Arsenals and Dockyards and the ports of Dover and Portland, and of creating a central arsenal
30 & 31 Vict c 24 -	An Act to amend an Act of the twenty-eighth and twenty-ninth years of Her present Majesty, chapter sixty-one, for providing a further sum towards defraying the expenses of constructing fortifications for the protection of the Royal Arsenals and Dockyards and the ports of Dover and Portland, and of creating a central arsenal
30 & 31 Vict. c. 145 -	An Act for providing a further sum towards defraying the expenses of constructing fortifications for the protection of the Royal Arsenals and Dockyards and the ports of Dover and Portland
32 & 33 Vict. c 76. -	An Act for providing the final sum necessary to be raised by loan towards carrying on the works now in course of construction for the protection of the Royal Arsenals and Dockyards and the harbours of Dover and Portland, and for authorising the abandonment of that portion of the works already sanctioned by Parliament which has not been yet commenced

CHAPTER 73.

An Act for the better protection of Ancient Monuments.

[18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited for all purposes as the Ancient Monuments Protection Act, 1882.

Power to appoint Commissioners of Works guardians of ancient monuments.

2. The owner of any ancient monument to which this Act applies may, by deed under his hand, constitute the Commissioners of Works in this Act mentioned the guardians of such monument.

Where the Commissioners of Works have been constituted guardians of a monument, they shall thenceforth, until they shall receive notice in writing to the contrary from any succeeding owner not bound by such deed as aforesaid, maintain such monument, and shall, for the purpose of such maintenance, at all reasonable times by themselves and their workmen have access to such monument for the purpose of inspecting it, and of bringing such materials and doing such acts and things as may be required for the maintenance thereof.

The owner of an ancient monument of which the Commissioners of Works are guardians shall, save as in this Act expressly provided, have the same estate, right, title, and interest, in and to such monument, in all respects, as if the Commissioners had not been constituted guardians thereof.

The expressions "maintain" and "maintenance" include the fencing, repairing, cleansing, covering in, or doing any other act or thing which may be required for the purpose of repairing any monument or protecting the same from decay or injury. The cost of maintenance shall, subject to the approval of Her Majesty's Treasury, be defrayed from moneys to be provided by Parliament.

Power of Commissioners to purchase ancient monuments.

3. The Commissioners of Works, with the consent of the Treasury, may purchase out of any moneys which may for that purpose be from time to time provided by Parliament any ancient monument to which this Act applies, and with a view to such purchase the Lands Clauses Consolidation Acts shall be incorporated with this Act, with the exception of the provisions which relate to the purchase and taking of lands otherwise than by agreement. In construing the said Lands Clauses Consolidation Acts for the purposes of this Act, this Act shall be deemed to be the special Act, and the Commissioners of Works shall be deemed to be the promoters of the undertaking.

Power to give, devise, or bequeath ancient monuments to Commissioners.

4. Any person may by deed or will give, devise, or bequeath to the Commissioners of Works all such estate and interest in any ancient monument to which this Act applies as he may be seised or possessed of, and it shall be lawful for the Commissioners of Works to accept such gift, devise, or bequest if they think it expedient so to do.

Inspectors of ancient monuments.

5. The Commissioners of Her Majesty's Treasury shall appoint one or more inspectors of ancient monuments, whose duty it shall be to report to the Commissioners of Works on the condition of such monuments, and on the best mode of preserving the same, and there

may be awarded to the inspectors so appointed such remuneration and allowance for expenses, out of moneys provided by Parliament, as may be determined by the Commissioners of Her Majesty's Treasury.

Penalty for injury to ancient monuments.

6. If any person injures or defaces any ancient monument to which this Act applies, such person shall, on summary conviction, be liable, at the discretion of the court by which he is tried, to one of the following penalties; (that is to say,)

(1.) To forfeit any sum not exceeding five pounds, and in addition thereto to pay such sum as the court may think just for the purpose of repairing any damage which has been caused by the offender; or,

(2.) To be imprisoned with or without hard labour for any term not exceeding one month.

The owner of an ancient monument shall not be punishable under this section in respect of any act which he may do to such monument, except in cases where the Commissioners of Works have been constituted guardians of such monument, in which case the owner shall be deemed to have relinquished his rights of ownership so far as relates to any injury or defacement of such monument, and may be dealt with as if he were not the owner.

Recovery of penalties.

7. Offences and penalties under this Act shall be prosecuted and recovered in manner provided by the Summary Jurisdiction Acts.

The expression "Summary Jurisdiction Acts"—

(1.) As regards England, has the same meaning as in the Summary Jurisdiction Act, 1879; and — 42 & 43 Vict. c. 49.

(2.) As regards Scotland, means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881; and — 27 & 28 Vict. c. 53. 44 & 45 Vict. c. 33.

(3.) As regards Ireland, means, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district or of the police of such district; and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and any Act amending the same. — 14 & 15 Vict. c. 93.

In England any person aggrieved by any decision of the court acting under the Summary Jurisdiction Acts may appeal to a court of general or quarter sessions.

Description of Commissioners of Works, and law as to disposition in their favour.

8. The expression "The Commissioners of Works" means as respects Great Britain the Commissioners of Her Majesty's Works and Public Buildings, and as respects Ireland the Commissioners of Public Works in Ireland.

Each of the said bodies, that is to say, the Commissioners of Her Majesty's Works and Public Buildings as respects Great Britain and the Commissioners of Public Works as respects Ireland, shall be incorporated by their said names respectively, and shall have perpetual succession and a common seal, and may purchase or acquire by gift, will, or otherwise, and hold without licence in mortmain, any land or estate or interest in land for the purposes of this Act; and any conveyance, appointment, devise, or bequest of land, or any estate or interest in land under this Act to either of the said bodies, shall not be deemed to be a conveyance, appointment, devise, or bequest to a charitable use within the meaning of the Acts relating to charitable uses. In the case of an ancient monument in Scotland, a duplicate of any report made by any inspector under

this Act to the Commissioners of Works shall be forwarded to the Board of Trustees for Manufactures in Scotland, and it shall be the duty of the Commissioners of Works, in relation to any such monument, to take into consideration any representations which may be made to them by the said Board of Trustees for Manufactures.

Description of owners for purposes of Act.

9. The following persons shall be deemed to be "owners" of ancient monuments for the purposes of this Act; that is to say,

(1.) Any person entitled for his own benefit, at law or in equity, for an estate in fee, to the possession or receipt of the rents and profits of any freehold or copyhold land, being the site of an ancient monument, whether such land is or not subject to incumbrances:

(2.) Any person absolutely entitled in possession, at law or in equity, for his own benefit, to a beneficial lease of land, being the site of an ancient monument, of which not less than forty-five years are unexpired, whether such land is or not subject to incumbrances; but no lease shall be deemed to be a beneficial lease, within the meaning of this Act, if the rent reserved thereon exceeds one third part of the full annual value of the land demised by such lease:

(3.) Any person entitled under any existing or future settlement, at law or in equity, for his own benefit, and for the term of his own life, or the life of any other person, to the possession or receipt of the rents and profits of land of any tenure, being the site of an ancient monument, whether subject or not to incumbrances in which the estate for the time being subject to the trusts of the settlement is an estate for lives or years renewable for ever, or is an estate renewable for a term of not less than sixty years, or is an estate for a term of years of which not less than sixty are unexpired, or is a greater estate than any of the foregoing estates:

(4.) Any body corporate, any corporation sole, any trustees for charities, and any commissioners or trustees for ecclesiastical, collegiate, or other public purposes, entitled at law or in equity, and whether subject or not to incumbrances, in the case of freehold or copyhold land, being the site of an ancient monument, in fee, and in the case of leasehold land, being the site of an ancient monument, to a lease for an unexpired term of not less than sixty years.

Where any owner as herein-before defined is a minor, or of unsound mind, or a married woman, the guardian, committee, or husband, as the case may be, of such owner, shall be the owner within the meaning of this Act; subject to this proviso, that a married woman entitled for her separate use, and not restrained from anticipation, shall for the purposes of this Act be treated as if she were not married. Every person deriving title to any ancient monument from, through, or under any owner who has constituted the Commissioners of Works the guardians of such monument shall be bound by the deed executed by such owner for that purpose; and where the owner of any land, being the site of an ancient monument, is a tenant for life or in tail, or heir of entail in possession in Scotland, having a power of sale over such land, either under the terms of a will or settlement, or under an Act of Parliament, any deed executed

by such owner in respect of the land, being such site as aforesaid, of which he is so tenant for life or in tail, shall bind every succeeding owner of any estate or interest in the land.

10. Her Majesty may, from time to time, by Order in Council, declare that any monument of a like character to the monuments described in the Schedule hereto, shall be deemed to be an ancient monument to which this Act applies, and thereupon this Act shall apply to such monument in the same manner in all respects as if it had been described in the Schedule hereto. Additions to Schedule by Order in Council.

An Order in Council under this section shall not come into force until it has lain for forty days before both Houses of Parliament during the Session of Parliament.

11. The following expressions shall, except in so far as is inconsistent with the tenour of this Act, have the meaning herein-after assigned to them; (that is to say,) Definitions.

The word "settlement" includes any Act of Parliament, will, deed, or other assurance whereby particular estates or particular interests in land are created, with remainders or interests expectant thereon:

The expression "Lands Clauses Consolidation Acts" means, as respects England, the Lands Clauses Consolidation Act, 1845, and any Acts amending the same; and as respects Scotland, the Lands Clauses Consolidation (Scotland) Act, 1845, and any Act amending the same; and as respects Ireland, the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, so far as respects Ireland: "Lands Clauses Consolidation Acts." 8 & 9 Vict. c. 18. 8 & 9 Vict. c. 19.

The expression "ancient monuments to which this Act applies" means the monuments described in the Schedule hereto, and any other monuments of a like character of which the Commissioners of Works at the request of the owners thereof may consent to become guardians; and "ancient monument" includes the site of such monument and such portion of land adjoining the same as may be required to fence, cover in, or otherwise preserve from injury the monument standing on such site, also the means of access to such monument. "Ancient monuments to which Act applies."

The SCHEDULE.

LIST OF ANCIENT MONUMENTS TO WHICH ACT APPLIES.

ENGLAND AND WALES.

——	County.	Parish.
The tumulus and dolmen, Plas Newydd, Anglesea	*Anglesea*	*Llandedwen.*
The tumulus known as Wayland Smith's Forge	*Berkshire*	*Ashbury.*
Uffington Castle	,,	*Uffington.*
The stone circle known as Long Meg and her Daughters, near Penrith.	*Cumberland*	*Addingham.*
The stone circle on Castle Rigg, near Keswick	,,	*Crosthwaite.*
The stone circles on Burn Moor	,,	*St. Bees.*
The stone circle known as The Nine Ladies, Stanton Moor.	*Derbyshire*	*Bakewell.*
The tumulus known as Arborlow	,,	,,
Hob Hurst's House and Hut, Bastow Moor	,,	,,
Minning Low	,,	*Brassington.*
Arthur's Quoit, Gower	*Glamorganshire*	*Llanridian.*
The tumulus at Uley	*Gloucestershire*	*Uley.*

—	County.	Parish.
Kits Coty House	*Kent*	*Aylesford.*
Danes Camp	*Northamptonshire*	*Hardingstone.*
Castle Dykes	,,	*Farthingston.*
The Rollrich Stones	*Oxfordshire*	*Little Rollright.*
The Pentre Evan Cromlech	*Pembrokeshire*	*Nevern.*
The ancient stones at Stanton Drew	*Somersetshire*	*Stanton Drew.*
The chambered tumulus at Stoney Littleton, Wellow.	,,	*Wellow.*
Cadbury Castle	,,	*South Cadbury.*
Mayborough, near Penrith	*Westmoreland*	*Barton*
Arthur's Round Table, Penrith	,,	,,
The group of stones known as Stonehenge	*Wiltshire*	*Amesbury.*
Old Sarum	,,	—
The vallum at Abury, the Sarcen stones within the same, those along the Kennet Road, and the group between Abury and Beckhampton.	,,	*Abury.*
The long barrow at West Kennet, near Marlborough.	,,	*West Kennet.*
Silbury Hill	,,	*Abury.*
The dolmen (Devil's Den), near Marlborough	,,	*Fyfield.*
Barbury Castle	,,	*Ogbourne, St. Andrews, and Swindon.*

LIST OF ANCIENT MONUMENTS TO WHICH ACT APPLIES.
SCOTLAND.

—	County.	Parish.
The Bass of Inverury	*Aberdeenshire*	*Inveruric.*
The vitrified fort on the Hill of Noath	,,	*Rhynie.*
The pillar and stone at Newton-in-the-Garioch	,,	*Culsalmond.*
The circular walled structures called "Edin's Hall," on Cockburn Law.	*Berwickshire*	*Dunse.*
The British walled settlement enclosing huts at Harefaulds in Lauderdale.	,,	*Lauder.*
The Dun of Dornadilla	*Sutherlandshire*	*Durness.*
The sculptured stone called Suenos Stone, near Forres.	*Elgin*	*Rafford.*
The cross slab, with inscription, in the churchyard of St. Vigeans	*Forfarshire*	*St. Vigeans.*
The British forts, on the hills, called "The Black and White Catherthuns."	,,	*Menmuir.*
A group of remains and pillars, on a haugh at Clava on the banks of the Nairn.	*Inverness*	*Croy and Dalcross.*
The Pictish Towers at Glenelg	,,	*Glenelg.*
The Cairns, with chambers and galleries partially dilapidated.	*Kirkcudbrightshire*	*Minnigaff.*
The Catstane, an inscribed pillar	*Linlithgow*	*Kirkliston.*
The Ring of Brogar and other stone pillars at Stennis in Orkney, and the neighbouring pillars	*Orkney*	*Firth and Stennis.*
The Chambered mound of Maeshowe	,,	,,
The stones of Callernish	*Ross*	*Uig.*
The Burgh of Clickanim	*Shetland*	*Sound.*
The Pictish tower at Mousa in Shetland	,,	*Dunrossness.*
The inscribed slab standing on the roadside leading from Wigton to Whithorn and about a mile from Whithorn.	*Wigtonshire*	*Whithorn.*
Two stones, with incised crosses, on a mound in a field at Laggangairn.	,,	*New Luce.*
The pillars at Kirkmadrine	,,	*Stoneykirk.*

LIST OF ANCIENT MONUMENTS TO WHICH ACT APPLIES.

IRELAND.

—	County.	Parish.	Barony.
The earthen enclosure and mounds called the Navan Fort.	*Armagh*	*Eglish*	*Armagh.*
Stone monuments and groups of sepulchral cists in Glen Maulin.	*Donegal*	*Glencolumbkille*	*Banagh.*
The earthen and stone inclosure known as Grianan of Aileach	,,	*Burt*	*West Innishowen.*
The earthen inclosure and Cromlech called the Giant's Ring near Ballylessan.	*Down*	*Drumbo*	*Upper Castlereagh.*
The earthen fort at Downpatrick (Dunkeltair).	,,	*Downpatrick*	*Lecale.*
Stone structure called Staigue Fort	*Kerry*	*Kilcrogham*	*Dunkerron.*
The earthen mound at Greenmount	,,	*Kilsaran*	*Ardee.*
The stone monument at Ballyna	*Mayo*	*Kilmoremoy*	*Tyrawly.*
Cairns and stone circles at Moytura	,,	*Cong*	*Kilmaine.*
The tumuli, New Grange, Knowth and Dowth.	*Meath*	*Monknewton and Dowth.*	*Upper Slane.*
The earthworks on the hill of Tara	,,	*Tara*	*Skreen.*
The earthworks at Teltown (Taltin)	,,	*Teltown*	*Upper Kells.*
The earthworks at Wardstown (Tlaghta)	,,	*Athboy*	*Lune.*
The two central tumuli on the hills called Slieve Na Calliagh.	*Meath*	*Loughcrew*	*Fore.*
The Cairn at Heapstown	*Sligo*	*Kilmacallan*	*Tirerrill.*
Sepulchral remains at Carrowmore. The cairn called Miscaun Mave or Knocknarea.	,,	*Kilmacowen*	*Curbury.*
The cave containing Ogham inscribed stones at Drumloghan.	*Waterford*	*Stradbally*	*Decies without Drum.*
The stone monument called the Catstone and the cemetery on the hill of Usnagh.	*Westmeath*	*Killare*	*Rathconrath.*

CHAPTER 74.

An Act to amend the Post Office Acts with respect to the Conveyance of Parcels. [18th August 1882.]

WHEREAS the Postmaster-General, with the consent of the Treasury, has made an arrangement with the railway companies named in the First Schedule to this Act whereby the Postmaster-General will pay to the said railway companies and such other railway companies as become parties to the arrangement under this Act the remuneration to railway companies for services rendered by them in relation to the conveyance of parcels, and the said railway companies, through the medium of the London Railway Clearing Committee, will apportion such remuneration among the different railway companies, and such remuneration will consist of the sums herein-after mentioned:

And whereas the Treasury propose, on the representation of the Postmaster-General, to make regulations in pursuance of the Acts relating to the Post Office with respect to the posting, forwarding, conveyance and delivery of parcels, and to provide that parcels of

the weights mentioned in the Second Schedule to this Act shall be carried at the rates in that schedule mentioned, and on different conditions from ordinary postal packets:

And whereas it is expedient to make the provisions herein-after appearing respecting such parcels and for carrying into effect the said arrangement:

And whereas the Bill for this Act has, so far as the same affects the railway companies named in the First Schedule to this Act, been assented to by them:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Post Office (Parcels) Act, 1882.

Remuneration to railway companies for carriage of parcels.

2. In the event of any regulations being made by the Treasury in pursuance of the Post Office Acts and providing for the conveyance of parcels by post on different conditions from ordinary postal packets, the following provisions shall, subject to the provisions of this Act, have effect:

(1.) The Postmaster-General shall from time to time pay to the railway companies parties to the arrangement under this Act the amount herein-after mentioned as the remuneration of all railway companies in respect of the conveyance of parcels by such companies, and the amount so paid (in this Act referred to as the railway remuneration) shall be in substitution for any other remuneration in respect of the conveyance of such parcels, and every railway company shall render in respect of such parcels the services required by this Act, and shall accept the said payment in full satisfaction and discharge for the said services.

(2.) The amount of the railway remuneration shall be eleven-twentieth parts of the gross receipts of the Postmaster-General from such of the said parcels as are conveyed by railway;

Provided that if at any time in pursuance of regulations of the Treasury the weights of or rates of postage for parcels differ from those mentioned in the Second Schedule to this Act, the railway companies parties to the arrangement under this Act may, by notice under the hand of the secretary to the London Railway Clearing Committee require a revision of the amount of the railway remuneration, and the amount as determined on such revision shall be substituted for the above-mentioned eleven-twentieth parts of the gross receipts, subject nevertheless, in the event of any further change in the weights of or rates of postage for parcels, to another revision on notice requiring the same given either by the railway companies or by the Postmaster-General, and so on from time to time.

(3.) In the case of a revision the amount of railway remuneration shall be a sum to be paid to the companies collectively in manner provided by this Act, and if such amount is not determined by agreement between the Postmaster-General and the railway companies, parties to the arrangement under this Act, the amount shall be referred to arbitration in manner provided by this Act.

(4.) The provisions of this section (in this Act referred to as the arrangement under this Act) shall continue in force during a period of twenty-one years next after the said regulations come into operation, and thereafter until the expiration of twelve months notice to determine the same given by the Postmaster-General on the one side, or by the railway companies on the other, either before or after the expiration of the said twenty-one years.

Services to be rendered by railway companies.

3. During the continuance of the arrangement under this Act the railway companies shall render the following services:—

(1.) Every railway company shall convey by any train by which passengers, goods, or parcels are conveyed all such parcels as may be tendered for conveyance by such train, whether such parcels be under the charge of a person appointed by the Postmaster-General or not, and notwithstanding that no notice has been given to the company with respect to the conveyance of such parcels:

Provided that the conveyance of parcels by mail and express trains shall be limited so as not to affect prejudicially the convenient and punctual working of those trains.

(2.) Every railway company shall afford all reasonable facilities for the receipt and delivery of the sacks, hampers, boxes, or other receptacles containing the parcels at any of their stations without requiring them to be booked or interposing any other delay, and shall perform the service of transferring such sacks, hampers, boxes, or other receptacles to and from the vehicles of the Postmaster-General at the outwards and inwards railway stations.

(3.) Every railway company shall convey, free of charge, but in a manner convenient to them but not interfering with his custody of the parcels, any servant of the Postmaster-General appointed to take charge of the parcels during their conveyance by railway; but if such person during the conveyance receives any injury, and the company pay any sum for damages or costs in respect of such injury, or on account of death arising from such injury, the Postmaster-General shall pay to the company one half of such sum, but if the sum is paid by the company under agreement or by way of compromise of any claim, the Postmaster-General shall not be liable to pay one half unless his written consent has been previously given to the payment of such sum.

(4.) If the parcels are in charge of a person appointed by the Postmaster-General every railway company shall permit such person, if he thinks fit, by himself or his assistants, to deliver and receive the parcels at any station at which the train by which the sacks, hampers, boxes, or other receptacles containing the parcels are intended to be or are conveyed is appointed to stop and during the time limited for such stoppage, but nevertheless shall, if required by such person, assist him in transferring the sacks, hampers, boxes, or other receptacles to and from the vehicles of the Postmaster-General.

(5.) Every railway company shall, if the Postmaster-General so require, provide in every train, not being an express or mail

train, a special parcels van or other separate accommodation for sorting parcels carried by such train, and the Postmaster-General shall pay to such company in respect of the said van or accommodation such amount as may be agreed on, or, in case of difference, be determined by arbitration.

Calculation of gross receipts.

4. The gross receipts of the Postmaster-General from parcels conveyed by railway for the purposes of this Act—

(*a.*) shall be calculated without any deduction whether for the cost of stamps, or otherwise; and

(*b.*) shall not include such extra charges (over and above the usual rate of postage) as may be from time to time fixed by the said regulations; and

(*c.*) shall include the rates of postage which would be chargeable for Government parcels, if they were sent by private persons, notwithstanding that the same may be conveyed without being stamped; and

(*d.*) As regards foreign parcels shall be taken to be the same amount as would have been the gross receipts of the Postmaster-General in respect of such parcels if they had been inland parcels of the same weight.

Payments to Clearing Committee.

5. (1.) The Postmaster-General shall from time to time, and at least once in every three months, and, within seven weeks after the expiration of the period to which such accounts respectively relate, render to the railway companies parties to the arrangement under this Act, through the medium of the London Railway Clearing Committee, such accounts as may be reasonably necessary to show the sums due to railway companies in respect of railway remuneration under this Act, and shall keep all such accounts as are reasonably necessary for that purpose, and shall afford reasonable inspection thereof to the secretary to the London Railway Clearing Committee on behalf of the railway companies, and shall as soon as may be, and at least within one week after the delivery of the account pay to the railway companies through the medium of the said committee the amount, appearing from the said accounts to be so due, and may pay the same out of the moneys for the time being to the credit of the Postmaster-General at the Bank of England; but such payments shall be charged in the accounts of the Post Office to the gross receipts in respect of parcels.

(2.) The receipt of the secretary to the London Railway Clearing Committee shall be a full discharge for all sums paid by the Postmaster-General in respect of railway remuneration, and the Postmaster-General shall not be required to take any part in or otherwise be responsible for the division amongst the railway companies of the amount so paid.

Apportionment of amount received by committee.

6. (1.) The railway companies parties to the arrangement under this Act shall from time to time apportion the railway remuneration received from the Postmaster-General among all the railway companies in accordance with the provisions set forth in the Third Schedule to this Act, which provisions shall have effect as if they were enacted in the body of this Act.

(2.) For the purpose of facilitating such apportionment the Postmaster-General shall for one week in each half year keep, and within twenty-eight days thereafter deliver to the secretary to the London

Railway Clearing Committee, records of the number of the parcels conveyed by railway and forwarded from the different post towns in the United Kingdom during the week for which such account shall be so kept.

Conditions as to conveyance of parcels by railway.

7. During the continuance of the arrangement under this Act the following provisions shall have effect with reference to the parcels conveyed for the Postmaster-General by railway companies:

(1.) He shall direct his officers from time to time to distribute, so far as practicable, the parcels between the different railways, so that the expense to any railway company of carrying the parcels may, with due regard to the public convenience, be proportionate to that company's share of the receipts divisible among the railway companies under this Act:

(2.) He shall direct his officers to secure so far as practicable the delivery of the parcels at the outwards railway station a reasonable time before the departure of the trains, and to be so far as practicable in attendance at the inwards station to meet on arrival any train by which parcels are expected to arrive:

(3.) The parcels shall be placed by the officers of the Postmaster-General for each separate railway station in sacks, hampers, boxes, or other receptacles, and in such reasonably convenient manner for delivery to and for transfer and conveyance by the railway companies as the Postmaster-General may from time to time direct.

(4.) The railway companies shall not be required to carry, under this Act, any such explosive or dangerous article as they, independently of this Act, for the time being refuse to carry as a parcel by passenger trains.

(5.) The parcels shall, with regard to security and compensation for loss or otherwise, be treated as letters sent by post, and no company shall incur or be subject to any liability in respect of the conveyance or loss of or damage to any of the parcels, but the railway companies shall take all reasonable care for the security of the parcels while under their charge.

Arbitration under Act.

8. Where during the continuance of the arrangement under this Act the amount of railway remuneration or other matter of difference between the Postmaster-General and the railway companies parties to the said arrangement or any matter of difference between the Postmaster-General and any single railway company or any company or person or persons owning any steam vessel in respect of any services under this Act, is in pursuance of this Act referred to arbitration, the arbitration shall be in accordance with the Railway Companies Arbitration Act, 1859, and the Acts amending the same, and where it is between the Postmaster-General and the companies parties to the arrangement under this Act shall be conducted in like manner as if the said companies were one party to the arbitration on the one side and the Postmaster-General were a company party to the arbitration on the other side, and if each side appoints an arbitrator, one arbitrator only shall be appointed on behalf of the said companies under the hand of the secretary to the London Railway Clearing Committee.

22 & 23 Vict. c. 59.

Railway companies parties to arrangement

9. (1.) The following railway companies shall be deemed to be railway companies parties to the arrangement under this Act:—

and remuneration to company not party to arrangement.

(*a*) the railway companies named in the First Schedule to this Act; and

(*b*) every railway company who in pursuance of this Act elects to become a party to the arrangement under this Act; and

(*c*) as regards any railway authorised after the passing of this Act, the railway company working such railway.

(2) Any railway company in the United Kingdom not being one of the parties to the arrangement under this Act may serve a notice in writing and under seal on the Postmaster-General, and on the secretary to the London Railway Clearing Committee, expressing the desire of such company to become one of the parties to the arrangement under this Act, and upon the service of such notice the company shall be deemed to have elected to become one of the parties to the arrangement under this Act.

(3.) Any railway company in the United Kingdom not being one of the parties to the arrangement under this Act shall, nevertheless, when required by the Postmaster-General, render the services with respect to the conveyance of parcels which are required by this Act to be rendered by railway companies, and shall be entitled as remuneration for such services to receive from the railway companies parties to the arrangement under this Act the proper proportion of the railway remuneration, and if a difference arises with respect to the amount of such remuneration and is not determined by agreement between such company and the railway companies parties to the arrangement under this Act, acting through the medium of the London Railway Clearing Committee, the difference shall be referred to arbitration; and the award on such arbitration shall determine the difference and the amount due to such company in respect of the said services, and such amount shall be paid out of the railway remuneration by the railway companies parties to the arrangement under this Act:

Provided that where a railway company is not one of the parties to the arrangement under this Act, nothing in this section shall authorise the Postmaster-General to require such company to carry parcels on any railway worked by such company on which the company does not carry any parcels traffic within the meaning of the Third Schedule to this Act.

(4) An arbitration under this section shall be conducted in accordance with the Railway Companies Arbitration Act, 1859, and any Act amending the same, in like manner as if the companies parties to the arrangement under this Act were one party to the arbitration, but the arbitrator shall, on application under the hand of the secretary to the London Railway Clearing Committee, be appointed by the Lord Chief Justice of England, but if no such application is made and each side appoints an arbitrator, one arbitrator only shall be appointed on behalf of the companies parties to the arrangement under this Act under the hand of the secretary to the London Railway Clearing Committee.

Application of law upon determination of arrangement under this Act.

10. Upon the determination of the arrangement under this Act the enactments then in force in relation to the conveyance of other postal packets by railway, and the remuneration to be paid for the services of the railway companies as regards such conveyance, and the determination of such remuneration (in the absence of agreement)

by arbitration, shall apply in the case of parcels in like manner as in the case of other postal packets.

Saving of existing rights.

11. Nothing in this Act shall in any way prejudice or affect on the one hand the rights or powers of any railway company, either in the conveyance of parcels for the public on the company's own account, or the charges or conditions to be made or imposed in respect of such conveyance, or on the other hand the right of the Postmaster-General under his powers with respect to the conveyance of mails by railway, and every company shall be entitled to be paid for all services in respect of the conveyance of mails other than parcels wholly irrespective of and without reference to the provisions of this Act.

Mode of acting by Postmaster-General and Clearing Committee.

12. (1.) Every agreement under this Act by the Postmaster-General shall, in accordance with the Post Office Acts, be made with the consent of the Treasury.

(2.) Any notice or document required for the purposes of this Act to be served on the Postmaster-General may be served by the delivery thereof to the Postmaster-General or to any of the secretaries or assistant secretaries to the Post Office, or by sending the same by post addressed to the Postmaster-General at the General Post Office.

(3.) For any purpose connected with railway remuneration in pursuance of the arrangement under this Act, any notice or document to be given or served to, on, or by the railway companies parties to the arrangement under this Act shall be given or served to, on, or by the secretary to the London Railway Clearing Committee, and the railway companies parties to the arrangement under this Act may collectively sue and be sued in the name of the said secretary; and during the continuance of the arrangement under this Act, the Postmaster-General in dealing (for the purposes of railway remuneration) with the railway companies parties to the arrangement under this Act may deal only with such companies collectively through the medium of the London Railway Clearing Committee, and shall not be required to deal, as regards railway remuneration, with any of such companies individually.

(4.) All accounts to be rendered or notices given to or served on the railway companies with reference to railway remuneration shall be rendered, given, or served by sending the same through the post to, or leaving the same at, the office of the London Railway Clearing Committee, addressed to the secretary to such committee.

Application of Act to steam vessels.

13. Where any railway company own or work any steam vessel, the provisions contained in this Act with respect to the conveyance of parcels by railway shall, so far as they are applicable, extend to the conveyance of parcels by such steam vessels, and the expressions in this Act shall be construed accordingly; and expressions referring to railway stations shall refer to places where steam vessels depart, call, or arrive:

Provided that where any such steam vessel carries on communication between a port in the United Kingdom and any place out of the United Kingdom, the remuneration for services rendered by such steam vessel in respect of the conveyance of parcels shall not be included in the railway remuneration, but shall be such as may be determined by agreement between the Postmaster-General

and the company owning or working the steam vessel, or in case of difference be determined by arbitration, and the amount so determined shall be paid direct to the company, and the parcels conveyed by such steam vessel shall not, in respect of that conveyance, be deemed to be parcels conveyed by railway.

Where any steam vessel carries on regular communication between a port in the United Kingdom and any other port or place within the United Kingdom, or is a home-trade ship as defined by the Merchant Shipping Act, 1854, and such steam vessel is neither owned nor worked by any railway company, the company or person or persons by whom such steam vessel is owned or worked shall, from and after the passing of this Act, be bound to convey parcels; and the remuneration due for the services rendered by such steam vessel, in respect of the conveyance of parcels, shall be determined by agreement between the Postmaster-General and the company or person or persons owning or working such steam vessel, or in case of difference such remuneration shall be determined by arbitration, and the amount so determined shall be paid direct to such company or person or persons, and the parcels conveyed by such steam vessel shall not in respect of that conveyance be deemed to be parcels conveyed by railway.

Application of Customs Acts to foreign parcels.

14. (1.) Subject to any exceptions and modifications made by regulations under this section, the provisions of the Acts for the time being in force relating to the Customs (in this Act referred to as Customs enactments) shall apply to goods contained in foreign parcels, in like manner, so far as is consistent with the tenor thereof, as they apply to any other goods; and persons may be punished for offences against the said enactments, and goods may be examined, seized, and forfeited, and the officers examining and seizing them shall be protected, and legal proceedings in relation to the matters aforesaid may be taken, accordingly under the said enactments.

(2.) The Treasury, on the recommendation of the Commissioners of Customs and the Postmaster-General, may from time to time make, and, when made, revoke and vary, regulations for the purpose of modifying or excepting the application of any of the Customs enactments to foreign parcels, and for the purpose of securing, in the case of such parcels, the observance of the Customs enactments, and for enabling the officers of the Post Office to perform, for the purpose of those enactments and otherwise, all or any of the duties of the importer and exporter, and for carrying into effect any treaty, convention, or arrangement with any foreign State or the government of any British possession with reference to foreign parcels, and for punishing any contravention of the Customs enactments or of the regulations under this section.

(3.) The Postmaster-General shall have the same right of recovering any sums paid, in pursuance of the Customs enactments or otherwise under the said regulations, in respect of any foreign parcel, as he would have if the sum so paid were a rate of postage.

(4.) A contravention of the regulations in force under this section shall be deemed to be a contravention of the Customs enactments, and shall involve accordingly the like punishment of persons guilty thereof, and the like forfeiture of goods.

15. This Act shall apply to the Channel Islands and Isle of Man as if they were part of the United Kingdom, subject to the following provisions:— Application of Act to Channel Islands and Isle of Man.

(1.) Save as provided by regulations made under this section, it shall not be lawful, by means of any inland parcel, to export or remove from the Channel Islands or Isle of Man, or import or bring into the United Kingdom, or to export or remove from the United Kingdom or import or bring into the Channel Islands or Isle of Man, any goods on the exportation, importation, removal, or bringing in of which there is for the time being any prohibition or restriction, or any Customs duty payable.

(2.) Regulations under this section may be made for permitting and regulating the exportation, importation, removal, or bringing in of any such goods as above mentioned, to the extent provided by the regulations.

(3.) Subject to any exceptions or modifications made by the regulations under this section, the provisions of this Act with respect to the application of the Customs enactments to foreign parcels shall apply in like manner as if the inland parcels sent between the United Kingdom, Channel Islands, and the Isle of Man were foreign parcels, and for the purpose of such application any goods for the time being prohibited by this section from being imported, exported, brought in, or removed shall be deemed to be so prohibited by the said Customs enactments.

(4.) The Treasury may from time to time, on the recommendation of the Commissioners of Customs and the Postmaster-General, make, and, when made, revoke and vary, regulations for carrying into effect this section.

(5.) All laws of those islands punishing offences committed in relation to post letters or post letter bags shall apply as if parcels were post letters, and sacks, hampers, boxes, and other receptacles containing parcels were post letter bags.

16. This Act shall be deemed to be a Post Office Act within the meaning of the Post Office (Offences) Act, 1837, and, subject to the provisions of this Act, the Post Office Acts shall apply to parcels within the meaning of this Act in like manner as they apply to other postal packets. Application of Post Office Acts. 7 Will. 4. and 1 Vict. c. 36.

17. In this Act, unless the context otherwise requires— Definitions.

The expression "British possession" does not include the Channel Islands or the Isle of Man, but includes all other territories and places forming part of Her Majesty's dominions:

The expression "parcel" means all such postal packets as by the regulations of the Treasury made in pursuance of the Post Office Acts are defined to be parcels:

The expression "inland parcels" means parcels posted within the United Kingdom and addressed to some place in the United Kingdom:

The expression "foreign parcels" means parcels either posted in the United Kingdom and sent to a place out of the United Kingdom, or posted in a place out of the United Kingdom and sent to a place in the United Kingdom, or in transit through the United Kingdom to a place out of the United Kingdom:

The expression "railway company" means any person or body of persons corporate or unincorporate working a railway:

The expression "Treasury" means the Commissioners of Her Majesty's Treasury:

The expression "London Railway Clearing Committee" means the Clearing Committee mentioned in the Railway Clearing Act, 1850.

13 & 14 Vict. c. xxxiii.

FIRST SCHEDULE.

RAILWAY COMPANIES PARTIES TO ARRANGEMENT.

Aylesbury and Buckingham.
Ballycastle.
Ballymena and Larne.
Belfast and County Down.
Belfast and Northern Counties.
Belfast, Holywood, and Bangor.
Bishop's Castle.
Brecon and Merthyr Tydvil Junction.
Bristol Port Railway and Pier.
Caledonian.
Cambrian.
Central Wales and Carmarthen Junction.
Cheshire Lines Committee.
City of Glasgow Union.
Cleator and Workington Junction.
Cockermouth, Keswick, and Penrith.
Colne Valley and Halstead.
Cork and Bandon.
Cork, Blackrock, and Passage.
Cornwall, the lessees of.
Dublin, Wicklow, and Wexford.
East and West Junction.
Fleetwood, Preston, and West Riding.
Finn Valley.
Furness.
Garstang and Knotend.
Glasgow and South-western.
Great Eastern.
Great North of Scotland.
Great Northern.
Great Northern, Ireland.
Great Southern and Western of Ireland.
Great Western.
Gwendraeth Valleys.
Highland.
Lancashire and Yorkshire.
Liskeard and Caradon.
London and North-western.
London and South-western.
London, Brighton, and South Coast.
London, Chatham, and Dover.
London, Tilbury, and Southend.
Londonderry and Lough Swilly.
Lynn and Fakenham.
Macclesfield Committee.
Manchester and Milford.
Manchester, Sheffield, and Lincolnshire.
Manchester, South Junction, and Altrincham.
Maryport and Carlisle.
Midland.
Midland Great Western of Ireland.
Mid Wales.
Neath and Brecon.
Newry, Warrenpoint, and Rostrevor.
Northampton and Banbury Junction.
North British.
North-eastern.
North London.
North Staffordshire.
Oldham, Ashton-under-Lyne, and Guide Bridge Junction.
Pembroke and Tenby.
Portpatrick.
Preston and Wyre, the lessees of.
Rhymney.
Severn and Wye and Severn Bridge.
Sheffield and Midland Railway Company's Committee.
Sligo, Leitrim, and Northern Counties.
South-eastern.
Southwold.
Swindon, Marlborough, and Andover.
Taff Vale.
Tendring Hundred.
Waterford and Central Ireland.
Waterford and Limerick.
Waterford and Tramore.
Waterford, Dungarvan, and Lismore.
Watlington and Prince's Risborough.
West Lancashire.
West Riding and Grimsby.
Wigtownshire.
Wrexham, Mold, and Connah's Quay.

SECOND SCHEDULE.

WEIGHTS AND RATES OF PARCELS.

For an Inland Parcel of a Weight	The rate of Postage shall be
Not exceeding 1 lb.	3*d.*
Exceeding 1 lb. and not exceeding 3 lbs.	6*d.*
Exceeding 3 lbs. and not exceeding 5 lbs.	9*d.*
Exceeding 5 lbs. and not exceeding 7 lbs.	1*s.*

THIRD SCHEDULE.

APPORTIONMENT AMONG THE RAILWAY COMPANIES.

1. All sums paid by the Postmaster-General under this Act to the railway companies parties to the arrangements under this Act shall be apportioned amongst the railway companies entitled to share therein by the London Railway Clearing Committee half-yearly up to the thirtieth day of June and the thirty-first day of December in each year, or to such other half-yearly days as the parcels accounts between the companies may for the time being be made up by the London Railway Clearing Committee.

2. The share of each railway company shall bear the same ratio to the whole sum divisible as that company's gross receipts from local and through parcels traffic for each half-yearly period bear to the gross receipts from local and through parcels traffic of all the companies for the same period: Provided that where upon an arbitration with any company not a party to the arrangement under this Act any sum is awarded to be paid to such company, such sum shall be so paid in lieu of the share ascertained as aforesaid.

Each company shall render to the London Railway Clearing Committee the necessary returns of their parcels traffic certified by their accountant, such returns to be subject to audit and inspection of books by the London Railway Clearing Committee.

3. If at any time after the expiration of three years from the passing of this Act, or if at any time in pursuance of regulations of the Treasury the weights or rates of postage for parcels differ from those mentioned in the Second Schedule to this Act, any one or more of the companies consider that the apportionment of the receipts from parcels traffic above provided by this Act (herein-after called "the prescribed apportionment") is inequitable, such company or companies (without prejudice to any right conferred by this Act on a company not represented by the committee) may forward to the London Railway Clearing Committee a statement in writing of the grounds of objection to the prescribed apportionment, and thereupon the following provisions shall have effect:

(*a.*) The secretary to the London Railway Clearing Committee shall convene a special meeting of the general managers of the railway companies parties to the arrangement under this Act (herein-after called "the conference") for the purpose of taking such statement into consideration, and shall give not less than fourteen days notice of such special meeting.

(*b.*) The conference shall at such special meeting take the said statement into consideration and determine by a majority of its members present at such meeting whether a primâ facie case has been shown for altering the prescribed apportionment.

(*c.*) If the conference determine that a primâ facie case has not been shown for altering the prescribed apportionment no further proceedings shall be taken, and the prescribed apportionment shall continue in force until further complaint be made under this article.

(*d.*) If the conference determine that a primâ facie case has been shown for altering the prescribed apportionment, it shall proceed either at such meeting or any adjournment or adjournments thereof, or at any other meeting specially convened for the purpose as herein-before provided, to consider a fair and equitable revision of the prescribed apportionment.

(*e.*) The conference may by a majority of its members present at any such meeting and representing companies whose aggregate share capital is for the time being not less than three fourths of the aggregate share capital represented at such meeting determine upon a revision of the prescribed apportionment.

(*f.*) If the conference, for the space of three months after they have decided that a primâ facie case for revision has been shown, fail to determine by the requisite majority upon a revision of the prescribed apportionment, then the question of revising the prescribed apportionment shall be referred to an arbitrator appointed under this schedule, who shall have power to determine whether any, and if any, what revision of the prescribed apportionment is required to remedy any inequality or injustice which may in his opinion be established upon due inquiry before him.

(*g.*) The conference or the arbitrator shall, in considering a revision of the prescribed apportionment, have power to deal with any complaint of inequality or injustice which may be submitted to them or him by any of the companies, and may adopt in revising the prescribed apportionment such basis of division or such data as to them or him shall seem just.

(*h.*) Any decision of the conference or of the arbitrator shall be final and conclusive upon the companies, and shall, unless any further alteration is made in the weights and rates of postage of the parcels in pursuance of regulations of the Treasury, continue in force for the period of three years and thereafter until any further complaint shall be made under this enactment.

(*i.*) The selection by the Postmaster-General of any route or routes for the transmission of parcels in preference to any competing route or routes shall in no case be a reason for revising the prescribed apportionment.

4. Parcels traffic for the purposes of the apportionment shall (unless and till otherwise determined by the conference, who shall have power to add to or take from the following list of excepted articles,) include all such traffic as according to the practice for the time being of the London Railway Clearing Committee is included in that expression, except—

Mails, other than parcels; fish, meat, and poultry for markets; milk; carriages; cattle, horses, dogs, and other animals; corpses; and specie.

5. The conference shall have power from time to time to make and, if necessary, to revoke and alter all such rules and regulations as may be necessary for the purpose of giving full effect to this Act with respect to—

(*a.*) The forms to be used by the companies in dealing with parcels traffic as above defined;

(*b.*) The returns to be made by the companies for the purposes of this Act;

(*c.*) The verification of any such returns; and

(*d.*) Any matters of detail necessary or proper for carrying this schedule into effect;

and all such rules and regulations shall be binding on the companies.

6. The arbitrator to determine any question between the companies under the provisions of this schedule shall be appointed when such question arises by the Lord Chief Justice of England, on the application of the London Railway Clearing Committee, and the Railway Companies Arbitration Act, 1859, shall apply to any such arbitration.

CHAPTER 75.

An Act to consolidate and amend the Acts relating to the Property of Married Women. [18th August 1882.]

WHEREAS it is expedient to consolidate and amend the Act of the thirty-third and thirty-fourth Victoria, chapter ninety-three, intituled "The Married Women's Property Act, 1870," and the Act of the thirty-seventh and thirty-eighth Victoria, chapter fifty, intituled "An Act to amend the Married Women's Property Act (1870)":

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and

Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. (1.) A married woman shall, in accordance with the provisions of this Act, be capable of acquiring, holding, and disposing by will or otherwise, of any real or personal property as her separate property, in the same manner as if she were a feme sole, without the intervention of any trustee.

Married woman to be capable of holding property and of contracting as a feme sole.

(2.) A married woman shall be capable of entering into and rendering herself liable in respect of and to the extent of her separate property on any contract, and of suing and being sued, either in contract or in tort, or otherwise, in all respects as if she were a feme sole, and her husband need not be joined with her as plaintiff or defendant, or be made a party to any action or other legal proceeding brought by or taken against her; and any damages or costs recovered by her in any such action or proceeding shall be her separate property; and any damages or costs recovered against her in any such action or proceeding shall be payable out of her separate property, and not otherwise.

(3.) Every contract entered into by a married woman shall be deemed to be a contract entered into by her with respect to and to bind her separate property, unless the contrary be shown.

(4.) Every contract entered into by a married woman with respect to and to bind her separate property shall bind not only the separate property which she is possessed of or entitled to at the date of the contract, but also all separate property which she may thereafter acquire.

(5.) Every married woman carrying on a trade separately from her husband shall, in respect of her separate property, be subject to the bankruptcy laws in the same way as if she were a feme sole.

2. Every woman who marries after the commencement of this Act shall be entitled to have and to hold as her separate property and to dispose of in manner aforesaid all real and personal property which shall belong to her at the time of marriage, or shall be acquired by or devolve upon her after marriage, including any wages, earnings, money, and property gained or acquired by her in any employment, trade, or occupation in which she is engaged, or which she carries on separately from her husband, or by the exercise of any literary, artistic, or scientific skill.

Property of a woman married after the Act to be held by her as a feme sole.

3. Any money or other estate of the wife lent or entrusted by her to her husband for the purpose of any trade or business carried on by him, or otherwise, shall be treated as assets of her husband's estate in case of his bankruptcy, under reservation of the wife's claim to a dividend as a creditor for the amount or value of such money or other estate after, but not before, all claims of the other creditors of the husband for valuable consideration in money or money's worth have been satisfied.

Loans by wife to husband.

4. The execution of a general power by will by a married woman shall have the effect of making the property appointed liable for her debts and other liabilities in the same manner as her separate estate is made liable under this Act.

Execution of general power.

5. Every woman married before the commencement of this Act shall be entitled to have and to hold and to dispose of in manner aforesaid as her separate property all real and personal property,

Property acquired after the Act by a woman married

before the Act to be held by her as a feme sole.

her title to which, whether vested or contingent, and whether in possession, reversion, or remainder, shall accrue after the commencement of this Act, including any wages, earnings, money, and property so gained or acquired by her as aforesaid.

As to stock, &c. to which a married woman is entitled.

6. All deposits in any post office or other savings bank, or in any other bank, all annuities granted by the Commissioners for the Reduction of the National Debt or by any other person, and all sums forming part of the public stocks or funds, or of any other stocks or funds transferable in the books of the Governor and Company of the Bank of England, or of any other bank, which at the commencement of this Act are standing in the sole name of a married woman, and all shares, stock, debentures, debenture stock, or other interests of or in any corporation, company, or public body, municipal, commercial, or otherwise, or of or in any industrial provident, friendly, benefit, building, or loan society, which at the commencement of this Act are standing in her name, shall be deemed, unless and until the contrary be shown, to be the separate property of such married woman; and the fact that any such deposit, annuity, sum forming part of the public stocks or funds, or of any other stocks or funds transferable in the books of the Governor and Company of the Bank of England or of any other bank, share, stock, debenture, debenture stock, or other interest as aforesaid, is standing in the sole name of a married woman, shall be sufficient primâ facie evidence that she is beneficially entitled thereto for her separate use, so as to authorise and empower her to receive or transfer the same, and to receive the dividends, interest, and profits thereof, without the concurrence of her husband, and to indemnify the Postmaster General, the Commissioners for the Reduction of the National Debt, the Governor and Company of the Bank of England, the Governor and Company of the Bank of Ireland, and all directors, managers, and trustees of every such bank, corporation, company, public body, or society as aforesaid, in respect thereof.

As to stock, &c. to be transferred, &c. to a married woman.

7. All sums forming part of the public stocks or funds, or of any other stocks or funds transferable in the books of the Bank of England or of any other bank, and all such deposits and annuities respectively as are mentioned in the last preceding section, and all shares, stock, debentures, debenture stock, and other interests of or in any such corporation, company, public body, or society as aforesaid, which after the commencement of this Act shall be allotted to or placed, registered, or transferred in or into or made to stand in the sole name of any married woman shall be deemed, unless and until the contrary be shown, to be her separate property, in respect of which so far as any liability may be incident thereto her separate estate shall alone be liable, whether the same shall be so expressed in the document whereby her title to the same is created or certified, or in the books or register wherein her title is entered or recorded, or not.

Provided always, that nothing in this Act shall require or authorise any corporation or joint stock company to admit any married woman to be a holder of any shares or stock therein to which any liability may be incident, contrary to the provisions of any Act of

Parliament, charter, byelaw, articles of association, or deed of settlement regulating such corporation or company.

Investments in joint names of married women and others

8. All the provisions herein-before contained as to deposits in any post office or other savings bank, or in any other bank, annuities granted by the Commissioners for the Reduction of the National Debt or by any other person, sums forming part of the public stocks or funds, or of any other stocks or funds transferable in the books of the Bank of England or of any other bank, shares, stock, debentures, debenture stock, or other interests of or in any such corporation, company, public body, or society as aforesaid respectively, which at the commencement of this Act shall be standing in the sole name of a married woman, or which, after that time, shall be allotted to, or placed, registered, or transferred to or into, or made to stand in, the sole name of a married woman, shall respectively extend and apply, so far as relates to the estate, right, title, or interest of the married woman, to any of the particulars aforesaid which, at the commencement of this Act, or at any time afterwards, shall be standing in, or shall be allotted to, placed, registered, or transferred to or into, or made to stand in, the name of any married woman jointly with any persons or person other than her husband

As to stock, &c. standing in the joint names of a married woman and others

9. It shall not be necessary for the husband of any married woman, in respect of her interest, to join in the transfer of any such annuity or deposit as aforesaid, or any sum forming part of the public stocks or funds, or of any other stocks or funds transferable as aforesaid, or any share, stock, debenture, debenture stock, or other benefit, right, claim, or other interest of or in any such corporation, company, public body, or society as aforesaid, which is now or shall at any time hereafter be standing in the sole name of any married woman, or in the joint names of such married woman and any other person or persons not being her husband

Fraudulent investments with money of husband

10. If any investment in any such deposit or annuity as aforesaid, or in any of the public stocks or funds, or in any other stocks or funds transferable as aforesaid, or in any share, stock, debenture, or debenture stock of any corporation, company, or public body, municipal, commercial, or otherwise, or in any share, debenture, benefit, right, or claim whatsoever in, to, or upon the funds of any industrial, provident, friendly, benefit, building, or loan society, shall have been made by a married woman by means of moneys of her husband, without his consent, the Court may, upon an application under section seventeen of this Act, order such investment, and the dividends thereof, or any part thereof, to be transferred and paid respectively to the husband, and nothing in this Act contained shall give validity as against creditors of the husband, to any gift, by a husband to his wife, of any property, which, after such gift, shall continue to be in the order and disposition or reputed ownership of the husband or to any deposit or other investment of moneys of the husband made by or in the name of his wife in fraud of his creditors, but any moneys so deposited or invested may be followed as if this Act had not passed

Moneys payable under policy of assurance not to form part of estate of the insured

11. A married woman may by virtue of the power of making contracts herein-before contained effect a policy upon her own life or the life of her husband for her separate use, and the same and all benefit thereof shall enure accordingly

A policy of assurance effected by any man on his own life, and expressed to be for the benefit of his wife, or of his children, or of his wife and children, or any of them, or by any woman on her own life, and expressed to be for the benefit of her husband, or of her children, or of her husband and children, or any of them, shall create a trust in favour of the objects therein named, and the moneys payable under any such policy shall not, so long as any object of the trust remains unperformed, form part of the estate of the insured, or be subject to his or her debts: Provided, that if it shall be proved that the policy was effected and the premiums paid with intent to defraud the creditors of the insured, they shall be entitled to receive, out of the moneys payable under the policy, a sum equal to the premiums so paid. The insured may by the policy, or by any memorandum under his or her hand, appoint a trustee or trustees of the moneys payable under the policy, and from time to time appoint a new trustee or new trustees thereof, and may make provision for the appointment of a new trustee or new trustees thereof, and for the investment of the moneys payable under any such policy. In default of any such appointment of a trustee, such policy, immediately on its being effected, shall vest in the insured and his or her legal personal representatives, in trust for the purposes aforesaid. If, at the time of the death of the insured, or at any time afterwards, there shall be no trustee, or it shall be expedient to appoint a new trustee or new trustees, a trustee or trustees or a new trustee or new trustees may be appointed by any court having jurisdiction under the provisions of the Trustee Act, 1850, or the Acts amending and extending the same. The receipt of a trustee or trustees duly appointed, or, in default of any such appointment, or in default of notice to the insurance office, the receipt of the legal personal representative of the insured shall be a discharge to the office for the sum secured by the policy, or for the value thereof, in whole or in part.

13 & 14 Vict. c. 60.

Remedies of married woman for protection and security of separate property.

12. Every woman, whether married before or after this Act, shall have in her own name against all persons whomsoever, including her husband, the same civil remedies, and also (subject, as regards her husband, to the proviso herein-after contained) the same remedies and redress by way of criminal proceedings, for the protection and security of her own separate property, as if such property belonged to her as a feme sole, but, except as aforesaid, no husband or wife shall be entitled to sue the other for a tort. In any indictment or other proceeding under this section it shall be sufficient to allege such property to be her property; and in any proceeding under this section a husband or wife shall be competent to give evidence against each other, any statute or rule of law to the contrary notwithstanding: Provided always, that no criminal proceeding shall be taken by any wife against her husband by virtue of this Act while they are living together, as to or concerning any property claimed by her, nor while they are living apart, as to or concerning any act done by the husband while they were living together, concerning property claimed by the wife, unless such property shall have been wrongfully taken by the husband when leaving or deserting, or about to leave or desert, his wife.

13. A woman after her marriage shall continue to be liable in respect and to the extent of her separate property for all debts contracted, and all contracts entered into or wrongs committed by her before her marriage, including any sums for which she may be liable as a contributory, either before or after she has been placed on the list of contributories, under and by virtue of the Acts relating to joint stock companies; and she may be sued for any such debt and for any liability in damages or otherwise under any such contract, or in respect of any such wrong; and all sums recovered against her in respect thereof, or for any costs relating thereto, shall be payable out of her separate property; and, as between her and her husband, unless there be any contract between them to the contrary, her separate property shall be deemed to be primarily liable for all such debts, contracts, or wrongs, and for all damages or costs recovered in respect thereof: Provided always, that nothing in this Act shall operate to increase or diminish the liability of any woman married before the commencement of this Act for any such debt, contract, or wrong, as aforesaid, except as to any separate property to which she may become entitled by virtue of this Act, and to which she would not have been entitled for her separate use under the Acts hereby repealed or otherwise, if this Act had not passed.

Wife's antenuptial debts and liabilities.

14. A husband shall be liable for the debts of his wife contracted, and for all contracts entered into and wrongs committed by her, before marriage, including any liabilities to which she may be so subject under the Acts relating to joint stock companies as aforesaid, to the extent of all property whatsoever belonging to his wife which he shall have acquired or become entitled to from or through his wife, after deducting therefrom any payments made by him, and any sums for which judgment may have been bonâ fide recovered against him in any proceeding at law, in respect of any such debts, contracts, or wrongs for or in respect of which his wife was liable before her marriage as aforesaid; but he shall not be liable for the same any further or otherwise; and any court in which a husband shall be sued for any such debt shall have power to direct any inquiry or proceedings which it may think proper for the purpose of ascertaining the nature, amount, or value of such property: Provided always, that nothing in this Act contained shall operate to increase or diminish the liability of any husband married before the commencement of this Act for or in respect of any such debt or other liability of his wife as aforesaid.

Husband to be liable for his wife's debts contracted beforemarriage to a certain extent.

15. A husband and wife may be jointly sued in respect of any such debt or other liability (whether by contract or for any wrong) contracted or incurred by the wife before marriage as aforesaid, if the plaintiff in the action shall seek to establish his claim, either wholly or in part, against both of them; and if in any such action, or in any action brought in respect of any such debt or liability against the husband alone, it is not found that the husband is liable in respect of any property of the wife so acquired by him or to which he shall have become so entitled as aforesaid, he shall have judgment for his costs of defence, whatever may be the result of the action against the wife if jointly sued with him; and in any such action against husband and wife jointly, if it appears that the husband

Suits for antenuptial liabilities.

is liable for the debt or damages recovered, or any part thereof, the judgment to the extent of the amount for which the husband is liable shall be a joint judgment against the husband personally and against the wife as to her separate property; and as to the residue, if any, of such debt and damages, the judgment shall be a separate judgment against the wife as to her separate property only.

Act of wife liable to criminal proceedings.

16. A wife doing any act with respect to any property of her husband, which, if done by the husband with respect to property of the wife, would make the husband liable to criminal proceedings by the wife under this Act, shall in like manner be liable to criminal proceedings by her husband.

Questions between husband and wife as to property to be decided in a summary way.

17. In any question between husband and wife as to the title to or possession of property, either party, or any such bank, corporation, company, public body, or society as aforesaid in whose books any stocks, funds, or shares of either party are standing, may apply by summons or otherwise in a summary way to any judge of the High Court of Justice in England or in Ireland, according as such property is in England or Ireland, or (at the option of the applicant irrespectively of the value of the property in dispute) in England to the judge of the county court of the district, or in Ireland to the chairman of the civil bill court of the division in which either party resides, and the judge of the High Court of Justice or of the county court, or the chairman of the civil bill court (as the case may be) may make such order with respect to the property in dispute, and as to the costs of and consequent on the application as he thinks fit, or may direct such application to stand over from time to time, and any inquiry touching the matters in question to be made in such manner as he shall think fit: Provided always, that any order of a judge of the High Court of Justice to be made under the provisions of this section shall be subject to appeal in the same way as an order made by the same judge in a suit pending or on an equitable plaint in the said court would be; and any order of a county or civil bill court under the provisions of this section shall be subject to appeal in the same way as any other order made by the same court would be, and all proceedings in a county court or civil bill court under this section in which, by reason of the value of the property in dispute, such court would not have had jurisdiction if this Act or the Married Women's Property Act, 1870, had not passed, may, at the option of the defendant or respondent to such proceedings, be removed as of right into the High Court of Justice in England or Ireland (as the case may be), by writ of certiorari or otherwise as may be prescribed by any rule of such High Court; but any order made or act done in the course of such proceedings prior to such removal shall be valid, unless order shall be made to the contrary by such High Court: Provided also, that the judge of the High Court of Justice or of the county court, or the chairman of the civil bill court, if either party so require, may hear any such application in his private room: Provided also, that any such bank, corporation, company, public body, or society as aforesaid, shall, in the matter of any such application for the purposes of costs or otherwise, be treated as a stakeholder only.

18. A married woman who is an executrix or administratrix alone or jointly with any other person or persons of the estate of any deceased person or a trustee alone or jointly as aforesaid of property subject to any trust, may sue or be sued and may transfer or join in transferring any such annuity or deposit as aforesaid, or any sum forming part of the public stocks or funds, or of any other stocks or funds transferable as aforesaid, or any share stock, debenture, debenture stock, or other benefit, right, claim, or other interest of or in any such corporation company, public body, or society in that character, without her husband, as if she were a feme sole

Married woman as an executrix or trustee

19. Nothing in this Act contained shall interfere with or affect any settlement or agreement for a settlement made or to be made, whether before or after marriage respecting the property of any married woman or shall interfere with or render inoperative any restriction against anticipation at present attached or to be hereafter attached to the enjoyment of any property or income by a woman under any settlement, agreement for a settlement, will, or other instrument, but no restriction against anticipation contained in any settlement or agreement for a settlement of a woman's own property to be made or entered into by herself shall have any validity against debts contracted by her before marriage, and no settlement or agreement for a settlement shall have any greater force or validity against creditors of such woman than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors

Saving of existing settlements, and the power to make future settlements

20. Where in England the husband of any woman having separate property becomes chargeable to any union or parish, the justices having jurisdiction in such union or parish may, in petty sessions assembled, upon application of the guardians of the poor, issue a summons against the wife, and make and enforce such order against her for the maintenance of her husband out of such separate property as by the thirty-third section of the Poor Law Amendment Act, 1868, they may now make and enforce against a husband for the maintenance of his wife if she becomes chargeable to any union or parish Where in Ireland relief is given under the provisions of the Acts relating to the relief of the destitute poor to the husband of any woman having separate property, the cost price of such relief is hereby declared to be a loan from the guardians of the union in which the same shall be given, and shall be recoverable from such woman as if she were a feme sole by the same actions and proceedings as money lent

Married woman to be liable to the parish for the maintenance of her husband 31 & 32 Vict c 122

21. A married woman having separate property shall be subject to all such liability for the maintenance of her children and grandchildren as the husband is now by law subject to for the maintenance of her children and grandchildren Provided always that nothing in this Act shall relieve her husband from any liability imposed upon him by law to maintain her children or grandchildren

Married woman to be liable to the parish for the maintenance of her children

22. The Married Women's Property Act, 1870, and the Married Women's Property Act, 1870, Amendment Act, 1874, are hereby repealed Provided that such repeal shall not affect any act done or right acquired while either of such Acts was in force, or any right or liability of any husband or wife, married before the com-

Repeal of 33 & 34 Vict c 93 37 & 38 Vict c 50

mencement of this Act, to sue or be sued under the provisions of the said repealed Acts or either of them, for or in respect of any debt, contract, wrong, or other matter or thing whatsoever, for or in respect of which any such right or liability shall have accrued to or against such husband or wife before the commencement of this Act.

Legal representative of married woman.

23. For the purposes of this Act the legal personal representative of any married woman shall in respect of her separate estate have the same rights and liabilities and be subject to the same jurisdiction as she would be if she were living.

Interpretation of terms.

24. The word "contract" in this Act shall include the acceptance of any trust, or of the office of executrix or administratrix, and the provisions of this Act as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastavit committed by any married woman being a trustee or executrix or administratrix either before or after her marriage, and her husband shall not be subject to such liabilities unless he has acted or intermeddled in the trust or administration. The word "property" in this Act includes a thing in action.

Commencement of Act.

25. The date of the commencement of this Act shall be the first of January one thousand eight hundred and eighty-three.

Extent of Act.

26. This Act shall not extend to Scotland.

Short title.

27. This Act may be cited as the Married Women's Property Act, 1882.

CHAPTER 76.

An Act to amend the Merchant Shipping Acts, 1854 to 1880, with respect to Colonial Courts of Inquiry.

[18th August 1882.]

17 & 18 Vict. c. 104. &c.

WHEREAS it is expedient to amend the Merchant Shipping Acts, 1854 to 1880, with respect to Inquiries held in British possessions abroad into charges of incompetency or misconduct on the part of masters, mates, or engineers of ships, or into shipwrecks or other casualties affecting ships:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Merchant Shipping (Colonial Inquiries) Act, 1882.

Construction of Act.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1882.

Colonial courts or tribunals to have jurisdiction to make inquiry into charges of mis-

3. Every court or tribunal which is already authorised or which may hereafter be authorised by the legislative authority in any British possession to make inquiry into charges of incompetency or misconduct on the part of masters, mates, or engineers of ships,

or as to shipwrecks or other casualties affecting ships, shall in the cases following; that is to say,

conduct or incompetency and shipping casualties in certain cases occurring outside the limits of the colony.

I. When the incompetency or misconduct has occurred on board of a British ship on or near the coasts of the British possession or on board of a British ship in the course of a voyage to a port within the British possession:

II. When the incompetency or misconduct has occurred in any part of the world on board a British ship registered in the British possession:

III. When the shipwreck or casualty occurs to a British ship on or near the coasts of the British possession or to a British ship in the course of a voyage to a port within the British possession:

IV. When the shipwreck or casualty occurs in any part of the world to a British ship registered in the British possession:

V. When the master, mate, or engineer of a British ship who is charged with incompetency or misconduct on board of such British ship is found in the British possession:

VI. When some of the crew of a British ship which has been wrecked or to which a casualty has occurred, and who are competent witnesses to the facts, are found in the British possession:

wherever the incompetency, misconduct, shipwreck, or casualty has occurred, have the same jurisdiction as such court or tribunal would have had if such incompetency, misconduct, shipwreck, or casualty had occurred within the ordinary jurisdiction of such court or tribunal, but subject to all provisions, restrictions, and conditions which would have been applicable if they had so occurred: Provided that no inquiry shall be held under this Act into any shipwreck, or other casualty, or charge of incompetency or misconduct, which has once been the subject of such an inquiry and has been reported on by any competent court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been suspended or cancelled by a naval court; and provided also, that where any inquiry has been commenced in the United Kingdom no inquiry shall be made in the same case under the authority of this Act in any British possession.

In all the above cases the "British possession" shall mean the British possession by the legislative authority whereof the court or tribunal is authorised to make inquiry.

Colonial legislative authorities empowered to authorise inquiries into shipping casualties and charges of misconduct and incompetency in certain cases.

4. The legislative authority in any British possession is hereby empowered to authorise courts or tribunals to make inquiries in the cases enumerated in the last preceding section of this Act into charges of incompetency or misconduct on the part of masters, mates, or engineers of ships, or as to shipwrecks or other casualties affecting ships, subject to the provisions in the last preceding section of this Act mentioned.

Suspension or cancellation of certificates.

5. The powers of suspending or cancelling the certificate of any master, mate, or engineer of a ship, conferred by the provisions of the Merchant Shipping Acts, 1854 to 1880, upon or after any inquiry or investigation held under the provisions of the said Acts, shall be applicable to and be exercised upon or after any

inquiry by any court or tribunal authorised by this Act, or authorised by the legislative authority of any British possession under the powers conferred by this Act. Such power of suspension or cancellation shall be exercised by the court or tribunal holding the inquiry in the manner provided by section twenty-three of the Merchant Shipping Act Amendment Act, 1862, and the Board of Trade shall in such cases have all the powers conferred upon them by the said section.

25 & 26 Vict. c. 63.

Appeal from colonial courts.

6. Whenever any inquiry authorised by or in pursuance of this Act has been held, a rehearing of the case may be ordered, and if an application for such rehearing has not been made or has been refused, an appeal shall lie from any order of finding of the court or tribunal holding such inquiry to the following court, namely, the Probate, Divorce, and Admiralty Division of Her Majesty's High Court of Justice in England.

Provided always, that no appeal shall lie from any order or finding in an inquiry into a casualty affecting a ship registered in a British possession, or from any decision respecting the suspension or cancellation of the certificate of a master, mate, or engineer, unless such certificate has been granted under the authority of the Merchant Shipping Act, 1854, or any Act amending the same, or of the Merchant Shipping Colonial Act, 1869.

32 & 33 Vict. c. 11.

Any such appeal shall be subject to and conducted in accordance with such conditions and regulations as may from time to time be prescribed by general rules made under section thirty of the Merchant Shipping Act, 1876.

39 & 40 Vict. c. 80.

Repeal of part of 17 & 18 Vict. c. 104. s. 242.

7. The words "and such report is confirmed by the governor or person administering the government of such possession" in case (V) of the cases enumerated in section two hundred and forty-two of the Merchant Shipping Act, 1854, are hereby repealed, and this repeal shall be deemed to take effect as if the said words had been expressly repealed by the Merchant Shipping Act Amendment Act, 1862. The confirmation of the report required by the said words shall be deemed to have been no longer necessary after the passing of the Merchant Shipping Act Amendment Act, 1862, as a condition precedent to the suspension or cancellation of the certificate of any master, mate, or engineer.

CHAPTER 77.

An Act to amend the Law of Citation in Scotland.

[18th August 1882.]

34 & 35 Vict. c. 42.

WHEREAS by the Citation Amendment (Scotland) Act, the process of citation in Scotland was amended in certain particulars, and it is desirable that it should be further amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Citation Amendment (Scotland) Act, 1882.

2. This Act shall commence on the first day of January one thousand eight hundred and eighty-three. **Commencement of Act.**

3. From and after the commencement of this Act— **Citation may be by registered letter.**

In any civil action or proceeding in any court or before any person or body of persons having by law power to cite parties or witnesses, any summons or warrant of citation of a person, whether as a party or witness, or warrant of service or judicial intimation, may be executed in Scotland by an officer of the court from which such summons, warrant, or judicial intimation was issued, or other officer who, according to the present law and practice might lawfully execute the same, or by an enrolled law agent, by sending to the known residence or place of business of the person upon whom such summons, warrant, or judicial intimation is to be served, or to his last known address, if it continues to be his legal domicile or proper place of citation, or to the office of the keeper of edictal citations, where the summons, warrant, or judicial intimation is required to be sent to that office, a registered letter by post containing the copy of the summons or petition or other document required by law in the particular case to be served, with the proper citation or notice subjoined thereto, or containing such other citation or notice as may be required in the circumstances, and such posting shall constitute a legal and valid citation, unless the person cited shall prove that such letter was not left or tendered at his known residence or place of business, or at his last known address if it continues to be his legal domicile or proper place of citation.

4. The following provisions shall apply to service by registered letter:— **Execution.**

(1.) The citation or notice subjoined to the copy or other citation or notice required in the circumstances shall specify the date of posting, and in cases where the party is not cited to a fixed diet, but to appear or lodge answers or other pleadings within a certain period, shall also state that the induciæ or period for appearance or lodging answers or other pleadings is reckoned from that date:

(2.) The induciæ or period of notice shall be reckoned from twenty-four hours after the time of posting:

(3.) The execution to be returned by the officer or law agent shall be accompanied by the Post Office receipt for the registered letter. The execution returned by a law agent shall for all purposes be equivalent to an execution by an officer of court. The execution may be in the form contained in the First Schedule hereto:

(4.) On the back of such registered letter besides the address there shall be written or printed the following notice or a notice to the like effect: **Notice on back of letter.**

This letter contains a citation to or intimation from [*specify the court*]. If delivery of the letter cannot be made, it is to be returned immediately to [*give the official name and office or place of business of the clerk of court*]:

(5.) If delivery of the letter be not made because the address cannot be found, or because the house or place of business at the address is shut up, or because the letter carrier is informed **Letter not delivered to be returned to clerk of court.**

at the address that the person to whom the letter is addressed is not known there, or because the letter was refused, or because the address is not within a postal delivery district and the letter is not called for within twenty-four hours after its receipt at the post office of the place to which it is addressed, or for any other reason, the letter shall be immediately returned through the Post Office to the clerk of court, with the reason for the failure to deliver marked thereon, and the clerk shall make intimation to the party at whose instance the summons, warrant, or intimation was issued or obtained, and shall, where the order for service was made by a judge or magistrate, present the letter to a judge or magistrate of the court from which the summons, warrant, or intimation was issued, and he may, if he shall think fit, order service of new, either according to the present law and practice or in the manner herein-before provided, and if need be substitute a new diet of appearance. Where the judge or magistrate is satisfied that the letter has been tendered at the proper address of the party or witness and refused, he may in the case of a witness, without waiting for the diet of appearance, issue second diligence to secure his attendance, and in the case of a party hold the tender equal to a good citation.

Fees.

5. The fees for service under this Act shall be those contained in the Second Schedule hereto, and no other or higher fees shall be allowed on taxation.

Mode of service optional.

6. It shall be lawful to execute summonses and warrants of citation, warrants of service, judicial intimations, either according to the existing law and practice or in the manner provided by this Act:

Provided that no higher fees shall be allowed on taxation than those contained in the Schedule hereto, unless the judge or magistrate deciding the case shall be of opinion that it was not expedient in the interests of justice that such service should be made in the manner herein-before provided.

Definition.

7. The word "person" shall include corporation, company, firm, or other body requiring to be cited or to receive intimation.

SCHEDULES.

FIRST SCHEDULE.

This summons, or warrant of citation, or note of suspension, or petition, or other writ or citation executed [*or* intimated] by me [*insert name*] messenger at arms [*or* other officer or law agent] against [*or* to] [*insert name or names*] defender [*or* defenders, *or* respondent or respondents, *or* witness or witnesses, *or* haver or havers, *or otherwise as the case may be*], by posting on last, between the hours of and , at the post office of , a copy of the same to him [*or* them], with citation [*or* notice] subjoined, [*or* citation or notice where no copy is sent], in a registered letter [*or* registered letters], addressed as follows, viz.:

Signature of officer or agent.

SECOND SCHEDULE.

Fees for Service or Citation by Registered Letter and for Returning Execution.

A. COURT OF SESSION.

	s.	d.
1. PARTIES—		
If one party - - - - - - -	3	6
If more than one, for each party after the first - -	2	6
2. WITNESSES—		
For citing each witness - - - - -	1	6
3. POST OFFICE CHARGE FOR REGISTRATION AND POSTAGE OF LETTER.		

B. INFERIOR COURTS.

	s.	d.
1. PARTIES—		
For citing to small debt courts, claim not exceeding 5*l.* -	1	0
Claim above 5*l.* and not exceeding 12*l.* - - -	1	6
For citing to debts recovery court - - -	2	0
For citing to ordinary court or any other citation not above included - - - - - -	2	6

Where there are more parties than one cited in the same cause and only one execution is necessary, the above-mentioned fees respectively shall be allowed for the first party only, and two-thirds thereof for every other.

	s.	d.
2. WITNESSES—		
(1.) Small debt and debts recovery courts:—		
For citing one witness - - - - -	1	0
For citing every witness after the first for the same diet - - - - - - -	0	8
(2.) Ordinary court:—		
For citing one witness - - - - -	1	6
For citing every witness after the first for the same diet - - - - - - -	1	0
3. POST OFFICE CHARGE FOR REGISTRATION AND POSTAGE OF LETTER.		

CHAPTER 78.

An Act to establish a Fishery Board for Scotland.

[18th August 1882.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Fishery Board (Scotland) Act, 1882. Short title.

2. In this Act— Definitions.

The expression "Herring Fishery Acts" shall mean the Acts mentioned in the First Schedule.

The expression "Salmon Fishery Acts" shall mean the Acts mentioned in the Second Schedule.

3. On the sixteenth day of October one thousand eight hundred and eighty-two the Board of British White Herring Fishery shall be dissolved, and the present Commissioners shall be discharged of their duties. Dissolution of Board of British White Herring Fishery.

4. A Fishery Board shall be established for Scotland. Establishment and constitution of Fishery Board.

(1.) The Board shall consist of the following members:—the Sheriffs of three Sheriffdoms, who shall be appointed by Her

Majesty, and shall hold office during their tenure of the office of sheriff

Six members, to be appointed by Her Majesty, who shall hold office for five years and may be reappointed

(2) It shall be lawful to Her Majesty to nominate one member of the Board to be chairman and another to be deputy chairman The chairman shall receive such salary as the Commissioners of Her Majesty's Treasury may assign Three members shall be a quorum

(3) There shall be a secretary to the Board, who shall be appointed by Her Majesty, and shall receive such salary as the Commissioners of Her Majesty's Treasury may assign

(4) The office of the Board shall be in Edinburgh, and the Board shall appoint such clerks and officers, and at such salaries, as may be sanctioned by the Commissioners of Her Majesty's Treasury

(5) The first meeting of the Board shall be on the sixteenth day of October one thousand eight hundred and eighty-two

Functions of Board Herring fisheries Deep sea fisheries 31 & 32 Vict c 45 38 & 39 Vict c 15

5. (1) The Fishery Board shall have all the powers and duties conferred upon the present Board of British White Herring Fishery by the Herring Fishery Acts and the Sea Fishery Acts, 1868 and 1875, and any Order in Council following thereon, except the duty of making an annual report to the Board of Trustees for Manufactures, and the power of appointing a secretary, and shall take cognizance of everything relating to the coast and deep sea fisheries of Scotland, and take such measures for their improvement as the funds under their administration and not otherwise appropriated may admit of, but without interfering with any existing public authority or private right

Salmon fisheries

(2) The Fishery Board shall have the general superintendence of the salmon fisheries of Scotland, and shall have the powers and duties of Commissioners under the Salmon Fishery Acts, but without prejudice to or interference with the powers of district boards

(3) The Fishery Board shall comply with any instructions which may be issued by Her Majesty's Principal Secretary of State for the Home Department, and shall make an annual report to him containing a statistical account of the fisheries, and suggestions for their regulation and improvement, which report shall be presented to Parliament

Inspector of salmon fisheries

6. It shall be lawful to Her Majesty's Principal Secretary of State for the Home Department to appoint an inspector of the salmon fisheries of Scotland, who shall hold office during pleasure and to pay to him such salary as may be determined by the Commissioners of Her Majesty's Treasury

The inspector shall under the directions of the Fishery Board inspect all the salmon fisheries of Scotland, and inquire into the operation of the Salmon Fishery Acts, and report thereon from time to time to the Board, and shall attend the meetings of the Board when summoned by the chairman

Act not to apply to River Tweed 22 & 23 Vict c lxx

7. This Act shall not apply to the Tweed as defined by the Tweed Fisheries Amendment Act, 1859

Salaries and expenses

8. All salaries and expenses of the Fishery Board shall be defrayed from moneys to be provided by Parliament

SCHEDULES.

SCHEDULE I.

HERRING FISHERY ACTS.

11 Geo. III. c. 31. ss. 11, 12, 13.	An Act for the encouragement of the White Herring Fishery.
48 Geo. III. c. 110. - -	An Act for the further encouragement and better regulation of the British White Herring Fishery until the 1st day of June 1813, and from thence to the end of the then next session of Parliament.
55 Geo. III. c. 94. - -	An Act to continue and amend several Acts relating to the British White Herring Fishery.
1 & 2 Geo. IV. c. 79. -	An Act to repeal certain bounties granted for the encouragement of the Deep Sea British White Herring Fishery, and to make further regulations relating to the said Fishery.
5 Geo. IV. c. 64. - -	An Act to amend the several Acts for the encouragement and improvement of the British and Irish Fisheries.
1 William IV. c. 54. -	An Act to revive, continue, and amend several Acts relating to the Fisheries.
14 & 15 Vict. c. 26. - -	An Act to amend the Acts relating to the British White Herring Fishery.
21 & 22 Vict. c. 69. - -	An Act to impose fees on the branding of barrels under the Acts concerning the Herring Fisheries in Scotland.
23 & 24 Vict. c. 92. - -	An Act to amend the law relative to the Scottish Herring Fisheries.
24 & 25 Vict. c. 72. - -	An Act to make further provision for the regulations of the British White Herring Fishery in Scotland.
28 & 29 Vict. c. 22. - -	An Act to amend the Acts relating to the Scottish Herring Fisheries.
30 & 31 Vict. c. 52. - -	An Act to alter and amend the Acts relating to the British White Herring Fisheries.
37 & 38 Vict. c. 25. - -	An Act to remove the restrictions contained in the British White Herring Fishery Acts in regard to the use of fir wood for herring barrels.

SCHEDULE II.

SALMON FISHERY ACTS.

25 & 26 Vict. c. 97. - -	An Act to regulate and amend the law respecting the Salmon Fisheries of Scotland.
26 & 27 Vict. c. 50. - -	An Act to continue the powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the 1st day of January 1865, and to amend the said Act.
27 & 28 Vict. c. 118. - -	An Act to amend the Acts relating to Salmon Fisheries in Scotland.
31 & 32 Vict. c. 123. - -	An Act to amend the law relating to Salmon Fisheries in Scotland.

CHAPTER 79.

An Act to make provision for the arrangement of Accounts between the Commissioners of Her Majesty's Treasury and the Secretary of State in Council of India in respect of certain Home Charges for Her Majesty's Forces serving in India. [18th August 1882.]

WHEREAS certain home charges of Her Majesty's forces serving in India payable out of the revenues of India are defrayed in the first instance out of the Exchequer, and under an arrangement in force since the thirty-first day of March one thousand eight hundred and seventy advances were from time to time made out of the revenues of India to the Exchequer by way of repayment of those charges, and the actual expenditure was to be subsequently ascertained and adjusted:

And whereas differences have been pending between the Secretary of State for the War Department and the Secretary of State in Council of India which prevented such adjustment, and in consequence the accounts of the said actual expenditure fell into arrear; so that while the claim on the part of the Exchequer for the period from the thirty-first day of March one thousand eight hundred and seventy to the thirty-first day of March one thousand eight hundred and seventy-seven amounted to three million three hundred and two thousand two hundred and forty-six pounds eleven shillings and eightpence the total amount advanced by way of repayment to the Exchequer out of the revenues of India amounted only to two million eight hundred and ninety thousand pounds, and the balance claimed by the Commissioners of Her Majesty's Treasury as due to the Exchequer, but disputed in part by the Secretary of State in Council of India, amounted to four hundred and twelve thousand two hundred and forty-six pounds eleven shillings and eightpence, which balance was reduced by a subsequent settlement of twenty-one thousand six hundred and thirty-five pounds to a net claim of three hundred and ninety thousand six hundred and eleven pounds eleven shillings and eightpence as due to the Exchequer but in part disputed as before mentioned:

And whereas the Commissioners of Her Majesty's Treasury, by a Minute dated the second day of July one thousand eight hundred and seventy-eight, proposed as an arrangement of the said differences and accounts that the sums actually advanced out of the revenues of India to the Exchequer by way of repayment of the said charges during the years above mentioned should be taken in full discharge of all the claims of the Exchequer upon the revenues of India in respect of the aforesaid charges:

And whereas it is expedient to sanction the said arrangement:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the India (Home Charges Arrears) Act, 1882.

2. The arrangement of the above-recited differences and accounts proposed in the said Minute of the Commissioners of Her Majesty's Treasury, dated the second day of July one thousand eight hundred and seventy-eight, is hereby sanctioned.

Sanction of arrangement of Treasury Minute of 2 July 1878.

CHAPTER 80.

An Act for the Extension of Allotments.

[18th August 1882.]

WHEREAS by an Act 2 William IV., cap. 42, the trustees of lands allotted under enclosure Acts or otherwise appropriated for the benefit of the poor of any parish, together with the churchwardens and overseers of the poor in parish vestry assembled, are required to let portions of such lands in quantities of not more than one statute acre to any one individual, according to their discretion, as a yearly occupation from Michaelmas to Michaelmas, and at such rent as land of the same quality is usually let for in the said parish to industrious cottagers of good character, being day labourers or journeymen legally settled in the said parish, or dwelling within or near its bounds:

And whereas the provisions of the said Act, from its limited application and other causes, have been only partially carried out:

And whereas it is expedient that having regard to the present Poor Law, the benefit thereof should be extended to all the irremovable poor, and that the same should be extended to all lands, whether cultivated or uncultivated, held for the benefit of the poor as herein-after described, and that a summary remedy should be afforded:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In this Act "trustees" shall mean trustees, feoffees, and managers, whether corporate or sole, or a committee of the same in such cases as are provided for in the Poor Allotments Management Act, 1873.

Interpretation.

36 & 37 Vict. c. 19.

2. This Act may be cited as the Allotments Extension Act, 1882.

Short title.

3. This Act shall not apply to Scotland or Ireland.

Extent of Act.

4. All trustees in whom lands are vested or by whom the same are held or managed for the benefit of the poor of any parish or place in or adjoining to that in which such lands are situate, and whereof the rents or produce are distributed in gifts of money, doles, fuel, clothing, bread, or other articles of sustenance or necessity, shall, where such lands are not otherwise used for the benefit of the parish in which it is situate as a recreation ground, or otherwise for the enjoyment or general benefit of the inhabitants, take proceedings, subject as herein-after mentioned, for letting such lands in allotments to cottagers, labourers, and others, and—

Trustees of lands vested for benefit of the poor to give notice as to letting.

(1.) They shall set apart for the purpose of this Act such field or other portion of the said lands as is most suitable, as regards distance and otherwise, for allotments, and give public notice, in manner directed by the schedule to this Act, of the field or

portion so set apart, specifying the situation and extent thereof, and the rent per acre or rod which they are ready to accept for the same when let in allotments, and the times and places at which applications for allotments are to be made:

(2.) If any applications for an allotment are received within the time fixed by the notice the trustees shall forthwith proceed to obtain possession of the field or portion set apart, or of so much thereof as is required for the applications, and to fence the same (if necessary), and to let the same in manner provided by this Act:

(3.) If the whole of the field or portion so set apart is let in allotments the trustees shall proceed as soon as they have power so to do to set apart another field or portion of their lands for the purpose of this Act, and give public notice thereof as directed by this section, and so on until the whole of their lands are let in allotments, or no applications are received for further allotments:

Provided that—

(*a.*) If application is made within the time aforesaid for part only of the field or portion so set apart, the remainder thereof may be let as provided by this Act in the case of unlet allotments; and

(*b.*) It shall not be necessary for the trustees to set apart any portion of any such lands as aforesaid, the separation of which from the remainder of such lands not set apart for the time being may make it impossible to let such remainder without substantial loss to the charity, when the whole of such lands cannot conveniently be set apart for allotments; and they shall have the same powers of letting any remainder of such lands, not set apart for the time being, as if this Act had not passed; and

(*c.*) If no application is made within the time aforesaid for any part of the field or portion so set apart, the like public notice as is required in the first instance shall be given by the trustees once in every succeeding year; and

(*d.*) Where the said lands are at any time held on lease, the trustees shall proceed to act in pursuance of this Act upon the expiration of such lease, and this Act shall apply as if such expiration were the passing of this Act.

Power to let lands inconveniently situated.

5. If any of the said lands shall be found to lie at an inconvenient distance from the residences of any cottagers or labourers it shall be lawful for the trustees to let such lands, or any part thereof, for the best rent that can be procured for the same, and to hire in lieu thereof, for the purposes of this Act, other land more favourably situated for allotments to the poor of the parish or place for whose benefit such lands are held in trust.

Saving old rights.

6. Neither this Act nor section twelve of the Poor Allotments Management Act, 1873, shall extend or be applicable to any lands with regard to which the provisions of the second William the Fourth, chapter forty-two, have been put into operation; but all industrious cottagers of good character, being day labourers or journeymen, whether legally settled in any parish in which the said Act of second William the Fourth, chapter forty-two, has been put

into operation, or dwelling within its bounds or those of the adjoining parishes, or being poor persons in any such parishes, shall at all times be entitled to and enjoy the benefits, rights, and privileges created and conferred by the second William the Fourth, chapter forty-two, in as full and ample a manner as they would have been entitled to and have enjoyed the same if they had been legally settled in the parish and this Act and section twelve of the Poor Allotments Management Act, 1873, had not been passed.

Preference to cottagers living in parishes where the lands are situate.

7. The provisions of this Act shall apply to lands held for the benefit of the poor of any parish or place situated in or adjoining to the same parish in which such poor dwell; but where the said lands are situated in or adjoining to several parishes, preference shall be given to the cottagers and labourers being inhabitants of the parish or place for the benefit of the poor of which lands are so held.

Where lands are held partly for benefit of poor.

8. Where any lands shall be held as aforesaid, partly for the benefit of the poor, and partly for other objects, the provisions of the Act shall apply to such a proportion of the entire quantity of the said lands as the amount of the gross income applicable to the poor shall bear to the entire gross income thereof; and in case of difference as to the amount of such gross income, or as to the said proportion, the difference shall be referred to the Charity Commissioners for England and Wales, in this Act referred to as the Charity Commissioners, whose decision shall be final.

Charity Commissioners to settle rules in certain cases.

9. The trustees or the majority of them may from time to time make and, when made, revoke and vary such rules as may be necessary for the appointment and powers of local managers of allotments under this Act, whether as tenants or agents of the trustees or otherwise, and for preventing the same being built upon or sublet, and preventing any undue preference in such letting, and all other necessary rules, and for giving effect to the provisions of the Act; and such rules as are for the time being in force under this section shall be binding on all persons and corporations whatsoever.

Provided that—

(*a.*) A copy of all rules made under this section shall be sent to the Charity Commissioners as soon as may be after they are made, and the Charity Commissioners may, if they think fit, by order disallow any rules made under this section, and upon such disallowance the same shall be void:

(*b.*) Such public notice as is provided by the schedule to this Act shall be given of all rules in force under this section, and a copy thereof shall be at all times given gratis to any cottager or labourer demanding the same:

(*c.*) Any four cottagers or labourers, or any of the trustees, if aggrieved by any such rules, whether in respect of anything contained therein, or of any omission therefrom, or if aggrieved by the want of any rules, may complain to the Charity Commissioners, and the Charity Commissioners, if they think such complaint is well grounded, may make such order as appears to them necessary to remedy the complaint. Any such order may rescind or alter any such rules, and may make any rules for the purposes of this section, and such rules shall be duly observed by all persons and corporations whatsoever.

In case of neglect of trustees to publish notice.

10. If the trustees of any such lands shall omit, neglect, or refuse to give such public notice or to proceed for such setting apart of land as is required by this Act, or otherwise to comply with the provisions of this Act, any of the said cottagers or labourers, not being less than four, who would be entitled to rent any allotment out of the said lands under the provisions of this Act if the same had been duly observed shall be entitled, after due notice to such trustees requiring them to remedy the omission, neglect, or refusal specified in the notice, to apply to the Charity Commissioners, and the said Commissioners shall inquire into the complaint, and, if satisfied that such omission, neglect, or refusal exists, and requires to be remedied, may issue their order for remedying, in manner specified therein, such omission, neglect, or refusal, and such order may be enforced in like manner as an order made by the Commissioners under the Charitable Trusts Acts.

Certificate of Charity Commissioners sufficient defence for trustees.

11. If in the opinion of the trustees such lands as aforesaid shall, either on the ground of distance or on any other ground, be so unsuitable for allotments that no part thereof can be usefully set apart for the purposes of this Act, they shall be at liberty to apply to the Charity Commissioners for a certificate to that effect: and if such certificate be granted they shall not be bound to set apart under this Act any part of the lands to which the same shall apply: and they shall annually give public notice of such certificate so long as the same shall remain in force in the manner directed by the schedule to this Act. Provided always, that it shall be lawful for the said Commissioners at any time, for any cause shown to their satisfaction by any person entitled to make an application to them under this Act, to revoke such certificate: Provided also that every certificate given by the Charity Commissioners under this section, unless and until revoked by them, shall be final and conclusive.

Arrears of rent, and in case of refusal of tenant to quit.

8 & 9 Vict. c. 118.

12. Any rent for any allotment let in pursuance of this Act, and the possession of such allotment in the case of any notice to quit, or other failure to deliver up possession of the same as required by law, may be recovered in all respects as if the same were an allotment under the Inclosure Act, 1845, and the Acts amending the same, and sections one hundred and ten and one hundred and eleven of the Inclosure Act, 1845, shall apply as if they were herein enacted, and as if the trustees, or in the case of the appointment of local managers, such managers, were the allotment wardens within the meaning of the said sections.

Letting of allotments.

13. With respect to the letting of allotments in any field or portion of land set apart for the purposes of this Act the following provisions shall have effect:

(1.) Public notice of the intention to let the same shall be given in manner directed in the schedule to this Act:

(2.) Every allotment shall be let free of all charges (that is to say), tithe, tithe rentcharge, rates, taxes, and outgoings whatsoever, and shall be let at such rent as land of the same quality is usually let for in the same parish, with such addition as is necessary to satisfy the said charges; and in this section the expression "outgoings" includes the expense of getting possession, and allotting, dividing, and fencing the field or portion of land set apart, and collecting the rents, and any sum pay-

able for such draining of the allotments and means of approach to the allotments as may be necessary:

(3.) The trustees shall, for the purposes of all rates, taxes, tithes, and tithe rentcharge, be deemed to be the occupiers of the allotments:

(4.) One person shall not hold any allotment or allotments exceeding one acre:

(5.) No building whatever shall be erected for or used as a dwelling or workshop on any part of any allotment, and if any building is so erected or used the trustees shall forthwith pull down the same and sell and dispose of the materials thereof, and the proceeds of the sale shall be applicable in like manner as the rent of the allotment:

(6.) If at any time the trustees are unable to let any allotment or any portion thereof, they may let the same, or such portion thereof as may be unlet, to any person whatever at the best annual rent which can be obtained for the same, without any premium or fine, and on such terms as may enable them to resume possession thereof within a period not exceeding twelve months if it should at any time be required to be let for allotments; but such letting shall not be deemed to exonerate the trustees from giving public notice under the foregoing provisions of this section.

Provision for allotments in scheme of Charity Commissioners.

14. Where a scheme is made by the Charity Commissioners after the passing of this Act in relation to any charity, and part of the endowment of such charity consists of land other than buildings and the appurtenances of buildings, the Charity Commissioners shall insert in such scheme a provision authorising the trustees of the charity to set apart portions of the said lands for allotments, and the same may be set apart and let as allotments in like manner as is directed by this Act.

Act not to impair powers conferred by Endowed Schools Acts.

15. Nothing in this Act contained shall be taken to impair or alter any powers conferred on the trustees of any charities or the Charity Commissioners by the Endowed Schools Acts or the Acts amending the same.

SCHEDULE.

Regulations as to Public Notices and Lettings.

1. Public notice, for the purposes of this Act, shall be given by fixing the notice on the doors of the church of the parish in which the land referred to in the notice is situate, and if there is no church, then on some public building or conspicuous place therein.

2. Public notice of the setting apart under this Act of a field or portion of land shall be given in the month of February, or such other month as the trustees may fix, and the first notice shall be given in the said month next after the passing of this Act, and if not so given shall be given as soon as may be afterwards, at such time as may be fixed by the trustees, or, in case of their default, by the county court judge for the district in which the land is situate, or by the Charity Commissioners.

Letting.

3. The public notice of the intention to let an allotment out of land when set apart shall specify the amount of land to be let, and the rent per acre or rod to be paid, and the place and time at which applications are to be made, and shall be given annually in the month of June, or in such other month as may be fixed by, or in pursuance of, rules under this Act:

Provided that in any year in which there will be no allotment vacant out of land already set apart, it shall not be necessary to give such notice.

4. The first public notice of the intention to let an allotment shall be given in the month of June next after the trustees obtain possession of the allotment, or at such other time, not more than one month later, as may be fixed by or in pursuance of rules under this Act; and, if not so given, shall be given at such time as may be fixed by the county court judge for the district in which the land is situate, or by the Charity Commissioners.

5. The time for applications for allotments out of land when already set apart shall be the month of August, or such other month as may be fixed by or in pursuance of rules under this Act.

6. The allotments shall be let to persons in the order in which they apply, or in accordance with such other order as may be provided by rules under this Act, so that there shall be no undue preference shown as regards the persons to whom they are let.

7. Each allotment shall be let on a yearly tenancy beginning at Michaelmas day, or at such other day as may be fixed by or in pursuance of rules under this Act.

CHAPTER 81.

An Act for disannexing the Rectory of Somersham from the Office of Regius Professor of Divinity in the University of Cambridge, and for making better provision for the Cure of Souls within the said Rectory; and for other purposes. [18th August 1882.]

WHEREAS His late Majesty King James the First, for the increase of the stipend of the regius professor or reader of divinity in the University of Cambridge, did by his Letters Patent bearing date the twenty-sixth day of August, in the third year of his reign, grant to the chancellor, masters, and scholars of the said University of Cambridge and their successors all that his advowson, donation, free disposition, and right of patronage of the Rectory of Somersham (together with Colne and Pidley, and other chapelries, rights, members, and appurtenances) in the county of Huntingdon, and did by the same Letters Patent signify and declare it to be his royal will and pleasure that the said rectory should for ever thereafter be held and enjoyed by the said professor for so long time as he should continue in the said office, and did thereby further signify and declare his royal will and intention to be that an Act of Parliament should be obtained for that purpose:

And whereas by an Act passed in the tenth year of Her late Majesty Queen Ann for, amongst other things, confirming and rendering more effectual the said Letters Patent, it was enacted that the canonry and rectories in the said Act mentioned should be annexed to the offices or places also in the said Act mentioned, namely, among others, that the said Rectory of Somersham, and all members, tithes, lands, tenements, hereditaments, profits, and emoluments whatsoever thereto belonging, or in anywise appertaining, or with the same used or enjoyed, was and should thereby be united and for ever annexed unto the said office or place of regius professor of divinity, and should be held and enjoyed by the person already placed in the said office or place, and by such other person or persons as should from time to time for ever thereafter be placed and put into

the said office or place in as full and ample manner to all intents and purposes as if they were duly presented, nominated, admitted, instituted, and inducted thereunto; and the said professor or reader and his successors for the time being, during such time or times only as they should continue in the said office or place should by virtue of such office or place for ever thereafter have and hold the said rectory without any presentation, admission, institution, or induction, or any other act or thing whatsoever to entitle them thereunto, and should be and were thereby declared to be during their continuance in the said office or place full and perfect incumbents of the said rectory to all intents and purposes whatsoever; and that so often as it should happen that the said office or place should become void by death, resignation, or otherwise, the said rectory should at the same time become void, and the person that should be placed in such office or place so become void should by virtue of such office or place only have and enjoy the said rectory for so long time as he should continue in such office or place and no longer: And it was thereby provided that the said professor should celebrate divine service and perform all other parochial duties relating to the cure of souls within the said rectory which any other rector of the said rectory had theretofore done and performed, and were by law obliged to do and perform, or should allow to learned and able curates to be licensed by the bishop or ordinary of the diocese who should be constantly residing within the said rectory such competent salaries and stipends as the said bishop or ordinary should judge sufficient: And it was thereby also provided that neither that Act nor anything therein contained should excuse or be construed to excuse the said professor from the payment of first fruits and tenths, or from the payment of all dues of what kind soever to the bishop or other ordinary who before the making of that Act had lawful right to claim the same, or from canonical obedience to the bishop or ordinary of the said diocese, but such professor should be obliged to make payment thereof:

And whereas it has been found that by reason of the duties belonging to his office of professor the said regius professor is unable to celebrate divine service and to perform in person the other parochial duties relating to the cure of souls within the said rectory, and it is expedient that the said regius professor should devote himself entirely to the duties of his office of professor, and that divine service should be celebrated and all other parochial duties performed within the said rectory by some person appointed for that purpose with permanence of tenure:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Somersham Rectory Act, 1882.

Commencement of Act.

2. This Act shall commence and take effect from and after the time of the next and first avoidance of the office or place (in this Act called the office) of regius professor or reader of divinity in the University of Cambridge (in this Act called regius professor) which shall happen after the passing of this Act, or from and after any

earlier time at which the person holding at the time of the passing of this Act the office of regius professor shall, by writing under his hand addressed and sent to the chancellor, masters, and scholars of the University of Cambridge (in this Act called the chancellor, masters, and scholars), and also to the bishop or ordinary of the diocese, resign the Rectory of Somersham, in the county of Huntingdon; and the person so holding the office of regius professor is by this Act authorised to resign the same rectory accordingly without resigning the office of regius professor.

Rectory of Somersham to be disannexed from regius professorship.

3. Immediately after the commencement of this Act the Rectory of Somersham (in this Act called the rectory), together with Colne and Pidley, and other chapelries, rights, members, and appurtenances, in the county of Huntingdon, and all members, tithes, lands, tenements, hereditaments, profits, and emoluments whatsoever belonging or in anywise appertaining to that rectory or with the same used or enjoyed (all of which are in this Act included under the expression the rectory), shall be severed and for ever disannexed from the office of regius professor; and the person who shall after the commencement of this Act be the regius professor for the time being shall no longer by virtue of his office have or hold the rectory or become the incumbent thereof.

Rectory vested in the University of Cambridge.

4. After the commencement of this Act the rectory and all the estate and interest therein which the regius professor as rector thereof or his successors has or had, or would have had therein if this Act had not been passed, shall, without any conveyance thereof or any assurance in law other than the provisions of this Act, forthwith become and be vested in the chancellor, masters, and scholars for ever for the purposes and subject to the provisions of this Act, and the chancellor, masters, and scholars shall for ever thenceforth receive all the tithes, rents, profits, and emoluments payable in respect of the rectory to the rector thereof for the time being.

University to have powers of rector.

5. After the commencement of this Act the chancellor, masters, and scholars shall, for the purpose of enforcing payment of all tithes, rents, profits, and emoluments of the rectory, and of obtaining possession of all tithes, lands, tenements, and other hereditaments becoming vested in them under this Act, and of recovering the rents and profits thereof, have and enjoy all rights, powers, and remedies at law and in equity of a rector of the rectory duly presented and instituted or collated and inducted thereto.

Neither professor nor university to have cure of souls.

6. After the commencement of this Act neither the regius professor for the time being nor the chancellor, masters, and scholars shall be required, nor shall it be lawful for him or them by virtue of the office of regius professor or of rector of the rectory, to celebrate divine service or perform any other parochial duties relating to the cure of souls within the rectory, or to appoint any curate or curates for such purposes or any of them, and neither the regius professor for the time being nor the chancellor, masters, and scholars shall owe any canonical obedience to the bishop or ordinary of the diocese within which the rectory is or may be situated.

Vicarage constituted with cure of souls.

7. After the commencement of this Act there shall by virtue of this Act be constituted a vicarage of Somersham (in this Act called the vicarage), and for the purpose of celebrating divine service and performing all other parochial duties relating to the cure of souls

within the rectory there shall be appointed a duly qualified clerk to be the vicar of Somersham (in this Act called the vicar), who shall celebrate divine service and perform all other parochial duties relating to the cure of souls within the rectory which the regius professor as rector of the rectory, or the curate or curates appointed by him, has or have usually done or performed, or was or were by law obliged to do or perform, and the vicar shall owe canonical obedience to the bishop or ordinary of the diocese within which the rectory is or may be situated.

Patronage of vicarage vested in bishop of diocese.

8. The perpetual advowson, donation, free disposition, and right of patronage of the vicarage shall be and the same is by this Act vested in the bishop or ordinary of the diocese, who shall from time to time collate some fit and proper person to the vicarage.

Rectory income to be divided between regius professor and vicar.

9. After the commencement of this Act the chancellor, masters, and scholars shall out of the tithes, rents, profits, and emoluments of the rectory pay all expenses, charges, and other outgoings, including the costs of repairing the chancel of the parish church of Somersham and of the two churches in Colne and Pidley, at any time before the passing of this Act paid by the regius professor as rector, other than the salaries or stipends of any curates appointed for the celebration of divine service and the performance of other parochial duties relating to the cure of souls within the rectory, and shall divide the net annual surplus of such tithes, rents, profits, and emoluments, after payment thereout of all such outgoings as aforesaid, into twenty equal parts, and shall pay ten of such parts to the regius professor for the time being, and shall pay the remaining ten of such parts to the vicar for the time being for the benefit of himself and of his two curates as herein-after provided.

Vicar to employ two curates.

10. The vicar shall appoint and constantly provide at least two learned and able curates (to be duly licensed by the bishop or ordinary of the diocese), who shall be resident within the rectory, to assist him in the celebration of divine service, and the performance of all other parochial duties relating to the cure of souls within the rectory, and the vicar shall in every year, out of the income represented by the ten parts to be paid to him as by this Act provided of the said annual surplus, pay and apply three of such parts to the curate assigned to Pidley and two other such parts to the curate assigned to Colne.

Vicar to have rectory house.

11. The vicar shall by virtue of his office of vicar have, hold, occupy, and enjoy for his own use, so long as he continues vicar, the rectory house at Somersham, and the garden and ground belonging thereto and usually occupied therewith.

Vicar to be responsible for dilapidations.

12. Every vicar of Somersham shall have all such claims, rights, remedies, and powers of recovery against the rector or vicar his predecessor, or against the representatives of the rector or vicar his predecessor, in respect of dilapidations to the rectory house, garden, and ground as would have belonged to or been possessed by the person succeeding to the office of regius professor against his predecessor in that office, or against the representatives of such predecessor, if this Act had not been passed.

First fruits to be payable on collation of vicar.

13. All first fruits and other dues which before the passing of this Act have been payable in respect of the rectory upon the appointment of any person to the office of regius professor shall after the commencement of this Act become due and be payable upon the

collation of a vicar to the vicarage, and first fruits or other dues shall no longer become due or be payable in respect of the rectory upon the appointment of any person to the office of regius professor.

First fruits to be paid out of rectory income.

14. The chancellor, masters, and scholars shall out of the tithes, rents, profits, and emoluments received by them as rectors of the rectory pay all first fruits and tenths, and payments so made shall be outgoings within the meaning of this Act payable before the division by this Act directed to be made of the net annual surplus of the tithes, rents, profits, and emoluments of the rectory.

Provision as to costs of this Act.

15. All costs of or incident to preparing, obtaining, and passing this Act shall be paid by the chancellor, masters, and scholars.

CHAPTER 82.

An Act for amending the Lunacy Regulation Acts.

[18th August 1882.]

WHEREAS it is expedient to amend the Lunacy Regulation Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited for all purposes as the Lunacy Regulation Amendment Act, 1882.

Construction of Act. 16 & 17 Vict. c. 70. 25 & 26 Vict. c. 86.

2. This Act shall be construed as one with the Lunacy Regulation Acts, 1853 and 1862, and unless there is something in the subject matter or context repugnant to such construction, the expression "The Lord Chancellor intrusted as aforesaid," and all other expressions having a special or defined meaning in the last-mentioned Acts, or either of them, shall have the same meaning in this Act.

Power of Lord Chancellor where property of lunatic does not exceed 2,600*l.* or 100*l.* per annum.

3. Section twelve of the Lunacy Regulation Act, 1862, is hereby amended so as to have effect as if the words "two thousand pounds in value" had been inserted therein instead of the words "one thousand pounds in value," and the words "one hundred pounds per annum" instead of "fifty pounds per annum."

All Chancery lunatics to be visited twice a year.

4. Whereas by section twenty of the Lunacy Regulation Act, 1862, it is enacted that "every lunatic shall be personally visited "and seen by one of the said visitors four times at least in every "year, and such visits shall be so regulated as that the interval "between successive visits to any such lunatic shall in no case "exceed four months: Provided always, that lunatics who are resi-"dent in licensed houses, asylums, or registered hospitals shall not "necessarily be visited by any of the said visitors more than once "in the year, unless the Lord Chancellor intrusted as aforesaid shall "otherwise direct;": Be it enacted, that the said section shall be construed as if the word "twice" had been inserted therein instead of the words "four times," and as if the words "eight months" had been inserted therein instead of the words "four months," and as if instead of the proviso therein there had been inserted the following words: Provided always, that every lunatic resident in a private house shall, during the two years next following inquisition, be so visited at least four times in every year.

APPENDIX AND INDEX.

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1 Table of the Titles of the Local and Private Acts passed during the Session

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3 Tables showing the Effect of the Year's Legislation

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TABLE

OF

The TITLES of the LOCAL and PRIVATE ACTS passed during the Session.

LOCAL ACTS.

The Titles to which the Letter **P.** *is prefixed are Public Acts of a Local Character.*

P. i. AN Act to confirm a Provisional Order made by the Board of Trade under the Merchant Shipping Act Amendment Act, 1862, relating to the pilotage of the River Tees.

ii. An Act to enable the London and Saint Katharine Docks Company to raise further Money and to maintain their Railway from the North Woolwich Branch of the Great Eastern Railway to Galleons Reach and for other purposes.

P. iii. An Act to confirm a Provisional Order under the Drainage and Improvement of Lands (Ireland) Act, 1863, and the Acts amending the same relating to Cahermone District.

P. iv. An Act to confirm Schemes under the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, relating respectively to Acton Commons, Chiswick and Turnham Green Commons, and Tottenham Commons.

v. An Act to enable the London Brighton and South Coast Railway Company to raise further Capital.

vi. An Act for granting further powers to the Maidstone Waterworks Company.

vii. An Act for enabling the Caledonian Railway Company to raise additional Money.

viii. An Act to revive the powers and extend the period for the compulsory purchase of lands and to extend the period for the completion of the Works authorised by the Bristol Port and Channel Dock Act 1877 and for other purposes.

ix. An Act for enabling the mayor and commonalty and citizens of the City of London to take lands with a view to the enlargement and improvement of the court house of the City of London Court and for other purposes.

x. An Act to authorise the sale of the existing Church of Saint Philip in the City of Liverpool and of the site thereof and purchase of a site for and the erection of a new church and to provide for the appointment of Trustees and other relative matters.

xi. An Act to transfer to the Local Board for the District of Fulwood in the County Palatine of Lancaster the Powers conferred by the Lancashire County Justices Act 1880 for constructing Waterworks and supplying Water to the Whittingham County Lunatic Asylum, and to authorise the Local Board to supply Water within their District and other Places, and to make further provisions in that behalf.

xii. An Act to confer further powers on the Abbotsbury Railway Company; to revive the powers and extend the period for the compulsory purchase of lands; for the construction of portions of the railway authorised by the Abbotsbury Railway Act, 1877; for making a diversion of part of their authorised line and for other purposes

xiii. An Act to amend the Constitution of King's College London and for other purposes relating thereto.

xiv. An Act to continue the Liability of the borough of Birkenhead to contribute to the Expenses of the Local Authority of the county of Chester under the Contagious Diseases (Animals) Acts in the event of a grant of a separate Court of Quarter Sessions to the said borough.

xv. An Act to authorise the Limavady and Dungiven Railway Company to acquire additional lands to confirm an agreement with the Skinners' Company to attach a preference to certain shares to authorise the Belfast and Northern Counties Railway Company to subscribe and lend further sums and to raise further capital and for other purposes.

xvi. An Act to further extend the Time for the Completion of the Merionethshire Railway.

xvii. An Act to consolidate and convert certain of the Shares and Stocks in the Capital of the Great North of Scotland Railway Company, and for other purposes

xviii. An Act to confer further powers on the Great North of Scotland Railway Company.

xix. An Act to confer further powers on the Lord Provost, magistrates and council of the city and royal burgh of Glasgow; and for other purposes.

xx. An Act to confer further powers on the Teign Valley Railway Company; and for other purposes.

xxi. An Act for vesting the bridge at Sawley across the River Trent in the counties of Derby and Leicester commonly known as Harrington Bridge in the Trustees of the bridge at Shardlow across the said river in the said counties commonly known as Cavendish Bridge and for suspending the taking of toll upon the same and for other purposes.

xxii. An Act for enabling the North-eastern Railway Company to construct a Railway from Alnwick to Cornhill in the county of Northumberland; and for other purposes

xxiii. An Act for enlarging the Powers of the Corporation of the Borough of Alnwick and for vesting in the Corporation the Forest of Aydon otherwise Haydon or Alnwick Moor in the County of Northumberland and for other purposes.

xxiv. An Act for incorporating the Horncastle Water Company, and for better supplying with Water the Town of Horncastle, in the County of Lincoln, and the several places adjacent thereto; and for other purposes.

xxv. An Act to extend the objects of the Agricultural Company of Mauritius, Limited, and its powers for the transaction of its business and investment of its moneys.

P. xxvi. An Act to confirm a Provisional Order of the Local Government Board under the Highways and Locomotives (Amendment) Act, 1878, relating to the county of Kent.

P. xxvii. An Act to confirm the Provisional Orders for the regulation of certain lands known as Crosby Garrett Common, in the parish of Crosby Garrett, in the county of Westmoreland; and for the regulation of certain lands known as Stivichall Common, in the parish of St. Michael, Coventry, in the county of Warwick.

P. xxviii. An Act to confirm the Provisional Order for the inclosure of certain lands known as Arkleside Common, situate in the Parish of Coverham, in the North Riding of Yorkshire, in pursuance of a Report of the Inclosure Commissioners for England and Wales.

P. xxix. An Act to confirm the Provisional Order for the inclosure of certain lands known as Bettws Disserth Common, situate in the Parish of Bettws Disserth, in the County of Radnor, in pursuance of a Report of the Inclosure Commissioners for England and Wales.

P. xxx. An Act to confirm the Provisional Order for the inclosure of certain lands known as Cefn Drawen Common, situate in the Parish of Glascwm, in the County of Radnor, in pursuance of a Report of the Inclosure Commissioners for England and Wales

P. xxxi. An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to the Bangor Gas Undertaking

P. xxxii. An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to the towns of Ballymena, Clonmel, Fermoy, and Letterkenny.

P. xxxiii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the City and County of Bristol, the Local Government District of Bromley, the Port of Cardiff, the Rural Sanitary District of the Glendale Union, the Borough of Hastings, the Local Government District of Merthyr Tydfil, the Boroughs of Newport (Monmouthshire) and Portsmouth, the Local Government District of Sandal Magna, and the Rural Sanitary District of the Ware Union.

P. xxxiv. An Act to confirm certain Orders of the Local Government Board under the provisions of the Divided Parishes and Poor Law Amendment Act, 1876, as amended and extended by the Poor Law Act, 1879, relating to the Parishes of Barmbrough, Burghwallis, Coleshill, Conisbrough, Forrest Hill, Hickleton, Inglesham, Kirk Bramwith, Kirk Sandall and Trumfleet, Shotover, and Shotover Hill Place, and to the Townships of Adwick-le-Street, Askern, Barnby-upon-Don or Barnby Dunn, Campsall, Dalton, Ecclesfield, Helmington Row, Langthwaite-with-Tilts, Mexbrough, Moss, Owston, Thorpe-in-Balne, and Willington.

xxxv. An Act for conferring further powers on the Glasgow and South-western Railway Company for the construction of works the acquisition of lands and the raising of money and for other purposes.

xxxvi. An Act for conferring further powers on the Millwall Dock Company and for other purposes.

xxxvii. An Act for enabling the Local Board for the district of West Ham, in the county of Essex, to require payment of fees by persons constructing or altering buildings within their district, and extending the powers of the Board as to making byelaws with respect to pollution of water in dwelling-houses and factories, and as to ventilating and protecting dwellings from fire, and for other purposes.

xxxviii. An Act to authorise the South Metropolitan Gas Company to purchase additional lands construct additional works enlarge their borrowing powers and amend their Acts.

xxxix. An Act for providing for the Transfer of the Harbour of Portsoy by the Earl of Seafield for constructing new Harbour Works and for providing for the application of Alexander Rainy's Bequest towards the said Harbour and for other purposes

xl. An Act for incorporating and conferring powers on the Bromsgrove Gas Company and for other purposes.

xli. An Act for the abandonment of the Welshpool and Llanfair Railway the repayment of the money deposited for securing its completion and the dissolution of the Welshpool and Llanfair Railway Company.

xlii. An Act for extending and amending the Constitution of the High School of Dundee; authorising the establishment, within the burgh of Dundee, of an additional Public School, under the management of the School Board of Dundee; and for confirming an Agreement between William Harris, Esquire, the High School Corporation and the School Board; and for other purposes.

xliii. An Act for enabling the Dundee Water Commissioners to construct additional Works, and to create and issue Debenture Stock, and for other purposes.

xliv. An Act for authorising the Callander and Oban Railway Company to raise additional capital; and for other purposes.

xlv. An Act for extending the limits of supply of the South Essex Waterworks Company and for authorising that Company to construct further works and to raise further money and for other purposes.

xlvi. An Act to authorise the Lower Thames Valley Main Sewerage Board to defray expenses incurred by them in relation to the promotion of a certain Bill in Parliament in the session of 1879.

xlvii. An Act to enable the Dublin Wicklow and Wexford Railway Company to construct certain diversion railways of their authorised line and to confer further powers on the Company with reference to their undertaking and for other purposes.

xlviii. An Act to enable the Moffat Railway Company to construct a railway to the Beattock Station of the Caledonian Railway Company and for other purposes.

xlix. An Act to extend the time for the completion of the railway authorised by the Golden Valley Railway (Extension to Hay) Act, 1877; to authorise the Golden Valley Railway Company to issue preference shares and to borrow money for payment of debts.

l. An Act for enabling the North-eastern Railway Company to make new Railways and for conferring additional Powers on the Company in relation to their Undertaking and for vesting in them the Undertaking of the Tees Valley Railway Company; and for other purposes.

li. An Act for conferring further powers upon the Ipswich Tramways Company.

lii. An Act for regulating the capital and making further provision for the management of the North British and Mercantile Insurance Company.

liii. An Act for enabling the Caledonian Railway Company to make railways and other works, and abandon authorised and existing works, in and near the city of Glasgow, to divert a road at Lochmaben, and to acquire lands and works in the counties of Stirling, Perth, and Renfrew; and for other purposes.

liv. An Act to constitute and incorporate Commissioners for the management of Blyth Harbour in the county of Northumberland and to vest the harbour undertaking in them and empower them to construct additional works; and for other purposes.

lv. An Act for authorising the Corporation of the city of Liverpool to execute certain street improvements and to acquire and appropriate land for the University College Liverpool; for amending various Local Acts in force in the city; and for conferring on the Corporation further powers in relation to the grant of superannuation allowances to their officers and other matters.

lvi. An Act to confer various powers on the Metropolitan Board of Works and to amend certain Acts relating to that Board.

lvii. An Act to authorise the Trustees of the Liverpool Bishopric Endowment Fund to acquire the Advowson of the Vicarage of Walton-on-the-Hill in the county of Lancaster and for other purposes.

P. lviii. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Eyemouth, Greenock, and Rothesay.

P. lix. An Act to confirm a Provisional Order of the Local Government Board under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, relating to the Borough of Nottingham.

P. lx. An Act to confirm certain Provisional Orders of the Local Government Board relating to the City and Borough of Bath, the Local Government District of Brierley Hill, the Borough of Burton-upon-Trent, the Rural Sanitary District of the Keighley Union, the Boroughs of Margate, Newbury, and Preston, the Town of Ramsgate, the Borough of Saint Helens, and the Rural Sanitary District of the Settle Union.

P. lxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Birmingham (two), the Local Government Districts of Gainsborough, Smethwick, and South Blyth, the Borough of Stafford, the Staines Joint Hospital District, the Improvement Act District of Surbiton, the Uxbridge Joint Hospital District, the Local Government District of Watford, and the Borough of Wigan.

P. lxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Rural Sanitary District of the Billericay Union, the City and County of Bristol, the Local Government District of Compton Gifford, the Rural Sanitary District of the Farnham Union, the Local Government Districts of Hendon and Madron, the Borough of Nottingham, the Local Government Districts of Rusholme and Torquay, the Borough of Walsall, the Improvement Act District of West Bromwich, and the Local Government District of Worthing.

P. lxiii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Ashton-under-Lyne, the Improvement Act District of Bethesda, the Local Government District of Heckmondwike, the Borough of Lewes, the Improvement Act District of Lytham, the Local Government District of Pemberton, the Borough of Rochdale, and the Local Government District of Sowerby Bridge.

P. lxiv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government Districts of Ealing, Edmonton, and Crompton, the Ports of Newcastle, North Shields, and South Shields, the Port of Plymouth, and the Local Government Districts of West Cowes and Woodford.

P. lxv. An Act to confirm Provisional Orders of the Local Government Board for Ireland relating to the towns of Ballina and Lurgan.

P. lxvi. An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to the City of Dublin and the Poor Law Union of Ballymoney.

P. lxvii. An Act to confirm a Provisional Order under the Land Drainage Act 1861, relating to Fenstanton Improvements, situate in the parish of Fenstanton, in the county of Huntingdon.

P. lxviii. An Act to extend the Artillery Ranges Act, 1862.

P. lxix. An Act to confirm a Provisional Order of the Local Government Board relating to the Borough of Ryde.

P. lxx. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Great Yarmouth Tramways, High-

gate Hill Tramways, Isle of Axholme and Marshland Tramways, North Shields and District Tramways Extension, Pontypridd and Rhondda Valley Tramways, Staffordshire Tramways (Extension), Sunderland Tramways (Extension), and Weston-super-Mare Tramways.

P. **lxxi.** An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to Banbridge, Ennis, Larne, and Londonderry.

P. **lxxii.** An Act to confirm a Provisional Order of one of Her Majesty's Principal Secretaries of State for providing that the Roads and Bridges (Scotland) Act, 1878, shall come into force in the county of Edinburgh on the 1st day of September 1882 subject to certain conditions.

lxxiii. An Act for shortening and improving the Railway Route from the authorised Forth Bridge Railway at Inverkeithing to the Edinburgh Perth and Dundee Railway near the Bridge of Earn Station; to transfer to the North British Railway Company the powers of the Forth Bridge Railway Company for making a Railway to Burntisland; to authorise an abandonment of part of that Railway and of another Railway and an extension of time for the compulsory purchase of land and completion of works; and for other purposes.

lxxiv. An Act to extend the Powers of the Northampton Waterworks Company.

lxxv. An Act to consolidate and amend the Constitution and Articles and Regulations of the Scottish Widows' Fund and Life Assurance Society; to confer further powers on that Society; and for other purposes.

lxxvi. An Act to authorise the Belfast and Northern Counties Railway Company to construct railways in substitution for portions of those authorised by the Belfast and Northern Counties Railway Act 1881; to abandon so much of the railways authorised by that Act as will be rendered unnecessary by reason of the construction of the substituted railways; to raise further capital, and for other purposes

lxxvii. An Act for making a railway to connect the Belfast and Northern Counties Railway with the Harbour of Carrickfergus; and for other purposes.

lxxviii. An Act to amend the Newhaven Harbour Improvement Act 1878.

lxxix. An Act to enable the Londonderry and Lough Swilly Railway Company to raise additional capital to confer further powers upon them in reference to their undertaking and for other purposes.

lxxx. An Act to amend the law with respect to the rates to be levied within the ancient limits of the City of Bristol and the liberties thereof; and for other purposes.

lxxxi. An Act for incorporating the Stroud Water Company and for conferring powers on that Company and for other purposes.

lxxxii. An Act to amend the Acts relating to the Court Houses in the City of Glasgow.

lxxxiii. An Act for incorporating and conferring powers on the Northwich Gas Company.

lxxxiv. An Act for reviving and rendering valid certain Letters Patent, granted to Francis Boyce Lecky and William Hugh Smyth, for improvements in the manufacture of soles, and in the machinery or apparatus employed therefor.

lxxxv. An Act to extend the time for the completion of the railway authorised by the West Lancashire Railway Act 1871 and for other purposes.

lxxxvi. An Act to re-incorporate with further powers the Rugby Gaslight and Coke Company Limited.

lxxxvii. An Act to authorise the Commissioners of the Glasgow Corporation Waterworks to construct an additional Service Reservoir and other Works; and for other purposes.

lxxxviii. An Act for empowering the London and North-western Railway Company to construct a new Railway at Ordsall Lane in Manchester and for other purposes.

lxxxix. An Act to authorise the construction of Street Tramways between Shoreham and Hove in the county of Sussex, and for other purposes.

xc. An Act to authorise the East and West India Dock Company to extend their Dock system by constructing and maintaining a new Dock and other Works in connexion therewith in the parishes of Grays Thurrock, Little Thurrock, and Chadwell, all in the County of Essex.

xci. An Act to enable the Edinburgh Street Tramways Company to make and maintain additional Tramways and to confer other powers upon the said Company.

xcii. An Act to authorise the Liverpool United Tramways and Omnibus Company to construct new Tramways and to confer further powers on them with reference to other Tramways in the neighbourhood of Liverpool; and for other purposes.

xciii. An Act to confer further Powers on the London Brighton and South Coast Railway Company and for other purposes

xciv. An Act to authorise the Metropolitan Railway Company to purchase certain Lands in the Parishes of Hammersmith and Kensington to make further Provision with reference to the completion of the Inner Circle Railway to vest outstanding Shares in the Metropolitan and Saint John's Wood Company in the Company to raise additional capital and for other purposes.

xcv. An Act to enable the Liverpool United Gaslight Company to purchase additional land and to erect gasworks thereon; to raise further money, and for other purposes.

xcvi. An Act for conferring additional powers upon the Exmouth Gas Company; and for other purposes.

P. xcvii. An Act to confirm a Provisional Order of the Local Government Board relating to the Borough of Salford.

P. xcviii. An Act to confirm a Provisional Order of the Local Government Board relating to the Local Government District of Workington.

P. xcix. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Brecon Gas, High Wycombe Gas, Kettering Gas, Portsea Gas, Redditch Gas, Salisbury Gas, and Sheffield Gas

P. c. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Calne Water, Cromer Water, Denbigh Water, and Kenilworth Water.

P. ci. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Birmingham and Aston Tramways, Birmingham and Suburban Tramways, Birmingham and Western Districts Tramways, Manchester, Bury, and Rochdale Tramways (Extensions), and Walsall and District Tramways.

P. cii. An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act, 1870, to enable the School Boards for West Ham (Essex) and Terrington St John (Norfolk) to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

P. ciii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Improvement Act Districts of Fleetwood and Rhyl and the City of York.

civ. An Act for empowering the Mayor and Commonalty and Citizens of the City of London to convert their authorised London Central Fruit Vegetable and Flower Market into an Inland Fish Market and to continue Farringdon Market and for other purposes.

cv. An Act to enable the Tottenham and Edmonton Gas Light and Coke Company to acquire lands for purposes of their undertaking to raise Additional Capital and for other purposes.

cvi. An Act for conferring powers on the Milford Docks Company for raising additional capital and to extend the time for completion of their Undertaking and for other purposes.

cvii. An Act for incorporating the Newquay and District Water Company and for conferring powers on that Company and for other purposes.

cviii. An Act to authorise the Seacombe Hoylake and Dee Side Railway Company to extend their Railway to New Brighton and for other purposes.

cix. An Act to empower the Local Board for the District of Padiham and Hapton in the County of Lancaster to construct and maintain additional Waterworks and for other purposes.

cx. An Act to authorise the Northampton Street Tramways Company to construct additional Tramways; to abandon parts of their authorised Tramways; and for other purposes.

cxi. An Act to authorise the Liskeard and Caradon Railway Company to make certain Railways and Works for the improvement and extension of their existing Railway and for other purposes.

cxii. An Act for empowering the Mayor Aldermen and Burgesses of the Borough of Carnarvon to acquire Morfa Seiont Common in the Borough and to lay out a public park and for other purposes.

cxiii. An Act to revive and extend the powers of the Greenwich and Millwall Subway Company.

cxiv. An Act to enable the Forth Bridge Railway Company to construct a substituted Railway across the Firth of Forth to amend the Acts relating to the Company and for other purposes.

cxv. An Act for extending the boundaries of the borough of Kingston-upon-Hull for consolidating and amending various provisions of the Local Acts in force within the borough and for other purposes.

cxvi. An Act for conferring additional powers on the Manchester Sheffield and Lincolnshire Railway Company and on the Cheshire Lines Committee and for other purposes.

cxvii. An Act to confirm an arrangement for the settlement of disputed claims between the Local Board for the district of Oswaldtwistle and certain persons with respect to moneys paid to and fraudulently appropriated by a former Clerk to the Board and to provide for carrying such arrangement into effect.

cxviii. An Act to empower the Mayor Aldermen and Burgesses of the Borough of Accrington to make Tramways in and near the borough and for other purposes.

cxix. An Act for conferring further powers on the Westgate and Birchington Gas Company for the purchase of land the construction of works the raising of money and otherwise in relation to their undertaking.

cxx. An Act for empowering the Coventry and District Tramways Company to construct an additional Tramway in the city of Coventry and to deviate in constructing a part of their authorised Tramways to extend the time for constructing their undertaking; and for other purposes.

cxxi. An Act for the abandonment of the Cheadle Railway.

cxxii. An Act for incorporating and conferring powers on the Rothwell Gaslight Company.

cxxiii. An Act to authorise the Bury and Tottington District Railway Company to raise additional Capital.

cxxiv. An Act to authorise the Highland Railway Company to construct a railway from Keith to Buckie; and for other purposes.

cxxv. An Act to confer further powers on the Maidstone and Ashford Railway Company; and for other purposes.

cxxvi. An Act to authorise the construction of a Railway from the Great North of Scotland Railway at Portsoy to Elgin; and for other purposes

cxxvii. An Act for the granting of further powers to the Oxford Gaslight and Coke Company.

cxxviii. An Act to confer further powers upon the Swansea Improvements and Tramways Company with respect to their Tramway Undertaking; and for other purposes

cxxix. An Act for conferring further powers upon the London and North-western Railway Company in connexion with their own undertaking and upon that Company and the Lancashire and Yorkshire Railway Company and the Great Western Railway Company in respect of other undertakings in which they are jointly interested, and for other purposes.

cxxx. An Act for conferring additional powers upon the Midland Railway Company for the construction of railways and other works and the acquisition of lands; for vesting in the Company the undertaking of the Evesham and Redditch Railway Company, for raising further Capital, and for other purposes.

cxxxi. An Act to vary and amend the provisions of the South Staffordshire Mines Drainage Acts 1873 and 1878.

cxxxii. An Act to authorise the Cranbrook and Paddock Wood Railway Company to extend their Railway to Hawkhurst in the county of Kent; to raise further Money; and for other purposes

cxxxiii. An Act to enable the Trustees of the Port Harbour and Town of Whitehaven to raise a further sum of money for the purposes of their harbour and dock.

cxxxiv. An Act to enable the Edinburgh Street Tramways Company to use steam or other mechanical power on their tramways and to confer other powers upon the said Company.

cxxxv. An Act to confer further powers on the Taff Vale Railway Company with reference to the construction of new and authorised railways the acquisition of lands and the raising of capital and for other purposes.

cxxxvi. An Act for empowering the North Metropolitan Tramways Company to extend their tramways along the Green Lanes and for other purposes.

cxxxvii. An Act for incorporating and conferring powers on the Queenstown Waterworks Company.

P. **cxxxviii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Aldershot and Farnborough Tramways Amendment, Birkdale and Southport Tramways (Use of Mechanical Power), Bristol Tramways (Extensions), Burnley and District Tramways Extension, Leamington and Warwick Tramways, Manchester Carriage and Tramways Company, North Staffordshire Tramways, and Oldham Borough Tramways (Extensions).

P. **cxxxix.** An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act, 1870, to enable the School Boards for Finchley, Llanarth, and Upper Dylais to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

P. cxl. An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Waterworks in the town of Queenstown

P. cxli. An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same

cxlii. An Act for empowering the Londonderry Port and Harbour Commissioners to construct quays and other works; for conferring further powers on those Commissioners, and for other purposes.

cxliii. An Act to enable the London Tilbury and Southend Railway Company to construct additional railways and for other purposes.

cxliv. An Act for the Establishment and Regulation of a Market in South London (near the Elephant and Castle Tavern) in the parish of Saint Mary Newington in the county of Surrey and for other purposes.

cxlv. An Act for authorising the Gateshead and District Tramways Company to abandon the construction of a portion of their authorised Undertaking and to reduce their Capital for extending the Time for constructing the remainder of their Undertaking; and for other purposes.

cxlvi. An Act for the establishment and regulation of a Fish Market in the parish of St. Paul Shadwell and borough of Tower Hamlets in the county of Middlesex and the formation of a New Street and the widening and improvement of existing streets and landing stairs near to the market and for other purposes.

cxlvii. An Act to authorise the Edinburgh Suburban and Southside Junction Railway Company to construct new Railways and to abandon part of their authorised Railways and for other purposes.

cxlviii. An Act for conferring upon the Great Western Railway Company further powers for the construction of New Railways and other works and the taking of lands in the county of Glamorgan; for vesting in the Company the Undertaking of the Torbay and Brixham Railway Company; and for other purposes.

cxlix. An Act to empower the Mayor, Aldermen, and Burgesses of the town of Saint Helens in the county of Lancaster to make and maintain additional Waterworks and to borrow Money and for other purposes.

cl. An Act for better supplying with Water Great Driffield and the adjoining district in the East Riding of the county of York.

cli. An Act for incorporating the Ascot District Gas Company and for other purposes.

clii. An Act to facilitate the winding-up of the City of Glasgow Bank, to transfer from the Liquidators to a Company the remaining Assets of the Bank; and for other purposes.

cliii. An Act to authorise the Gravesend Railway Company to extend their Railway in Gravesend to make a Pier or Wharf in connexion therewith and for other purposes.

cliv. An Act for extending the boundaries of the burgh of Greenock; to increase the number of the Town Council; to alter the constitution of the Board of Police of Greenock, and to confer further powers on that Board with respect to their Gas undertaking; to make further provisions with respect to the Harbour Trust of Greenock, and the Water Trust of Greenock, and the Municipal Government of the Burgh, and for other purposes

clv. An Act to authorise the Lydd Railway Company to extend their railway to Headcorn and New Romney in the county of Kent to raise further money, and for other purposes.

clvi. An Act to authorise the construction of the Norwood District Tramways in the county of Surrey; and for other purposes.

clvii. An Act to extend the time for purchasing lands and completing the Metropolitan and District Railways (City Lines and Extensions) and for other purposes.

clviii. An Act to enable the Trustees for the district and harbour of Maryport to raise a further sum of money for the purposes of their works for the improvement of the harbour of Maryport.

clix. An Act for making tramways in the county of Devon to be called "the Plymouth Devonport and District Tramways" and for other purposes.

clx. An Act for authorising the construction of a railway from the Brent Station of the Great Western Railway Company to Kingsbridge and Salcombe; and for other purposes.

clxi. An Act for extending the municipal and police boundaries of the city of Edinburgh, including the royal burgh thereof, and for amendment of the Edinburgh Municipal and Police Act, 1879, and application thereof to the districts annexed, and for other purposes.

clxii. An Act for conferring further powers on the Lancashire and Yorkshire Railway Company with relation to their own undertaking and undertakings in which they are jointly interested and for other purposes.

clxiii. An Act to authorise the London Street Tramways Company to construct additional tramways and for other purposes.

clxiv. An Act for conferring further powers on the Southampton Harbour Board with reference to the construction of works the levying of rates and tolls and the raising of money and for other purposes.

clxv. An Act for incorporating the Todmorden Waterworks Company and for conferring powers on that Company; and for other purposes.

clxvi. An Act to authorise the Great Eastern Railway Company to construct additional Railways in the counties of Middlesex Hertford and Cambridge; to improve parts of their existing Railways and of the March and Spalding Railway; to construct Tramways at Wisbech and to execute other works and to confer upon them other powers in relation to their undertaking; to authorise a diversion of the Hertford Branch Railway, and for other purposes.

clxvii. An Act for incorporating the Trustees of the Belfast Presbyterian College and authorising them to take conveyances and transfers of the said College and other property and for providing for the management of the same by the said Trustees subject to the control of the General Assembly of the Presbyterian Church in Ireland and for other purposes.

P. clxviii. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Bridlington, Broadstairs, Carnlough, Holywood, Johnshaven, Kettletoft, Penmaenmawr, Plymouth, Seabrook, Southend, Stonehaven, Weymouth, and Worthing (West).

P. clxix. An Act to confirm a Provisional Order of the Local Government Board under the provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Local Government District of Upper Sedgley.

P. clxx. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Bury (two), the Godalming Main Sewerage District, and the Local Government Districts of Marsden and Northwich.

clxxi. An Act to authorise the Construction of Additional Docks and other Works at Belfast; to extend the Powers of the Belfast Harbour Commissioners; and for other purposes.

clxxii. An Act to enable the Mayor Aldermen and Citizens of the City of Newcastle-upon-Tyne to construct New Streets Roads and Street and Road Improvements Tramways and other Works and to make further provision for the good government of the City and for other purposes.

clxxiii. An Act to confer further powers upon the Corporation of the Borough of Accrington for the Improvement of that Borough

clxxiv. An Act for conferring further powers on the Sutton Bridge Dock Company in relation to their undertaking and for other purposes.

clxxv. An Act to enable the Bristol Waterworks Company to construct Additional Works and raise Additional Capital; and for other purposes.

clxxvi. An Act to empower the Company of Proprietors of the Glamorganshire Canal Navigation to make and maintain a Railway and other Works at Cardiff and to raise further moneys and for other purposes

clxxvii. An Act to incorporate a company for the purpose of undertaking the working and management of railways; and for other purposes.

clxxviii. An Act to confer further powers on the Waterford, Dungarvan, and Lismore Railway Company, to make provision with reference to traffic on the Railway of that Company and on the Railway of the Great Western Railway Company; and for other purposes.

clxxix. An Act to authorise the Lynn and Fakenham Railway Company to construct railways and other works and for other purposes.

clxxx. An Act to authorise the Tredegar Water and Gas Company to sell and the Local Board for the District of Tredegar to purchase the undertaking of the Company.

clxxxi. An Act to empower the East London Railway Company to construct a new Railway and to abandon an authorised Railway and to lease their undertaking and for other purposes.

clxxxii. An Act to incorporate a Company for the establishment regulation and maintenance of a general market and for making new streets and improvements in connexion therewith in the parishes of St Thomas and St Mary on the north side of the City of Dublin and for other purposes.

clxxxiii. An Act for extending the time for the completion of the Alford and Sutton tramways.

clxxxiv. An Act to authorise the Dundee Gas Commissioners to create and issue Debenture Stock; and for other purposes

clxxxv. An Act to amend and consolidate the Dundee Police and other Acts; to enable the Dundee Police Commissioners to create and issue Debenture Stock; and for other purposes.

clxxxvi. An Act for making a Railway from the Kelvin Valley Railway to the Denny Branch of the Caledonian Railway and for other purposes.

clxxxvii. An Act for conferring further powers on the Plymouth and Dartmoor Railway Company for the construction of works the raising of Money and otherwise in relation to their undertaking and for other purposes.

clxxxviii. An Act for conferring further powers on the Solway Junction Railway Company; and for other purposes.

clxxxix. An Act for embanking and reclaiming certain Waste or Slob Lands in South Kerry in the County of Kerry.

cxc. An Act to confer further powers on the Corporation of Glasgow in relation to their Gas undertaking by the construction of connecting Railways between their Dalmarnock Works and the Caledonian Railway; the construction of a new street, and for other purposes.

cxci. An Act to confer further powers upon the Great Northern Railway Company to enable them to acquire the undertaking of the Louth and Lincoln Railway Company and for other purposes.

cxcii. An Act to authorise the South London Tramways Company to construct additional Tramways to confer further powers on that Company and for other purposes.

cxciii. An Act for authorising the Ramsgate and Margate Tramways Company to abandon the construction of a portion of their authorised undertaking to extend the time for constructing the remainder of their Undertaking and for other purposes.

cxciv. An Act for dissolving the North London Suburban Tramway Company Limited and re-incorporating them under the name of the North London Tramways Company and to confer upon them powers to construct and maintain additional Tramways and for other purposes.

cxcv. An Act for granting further powers to the Swindon Marlborough and Andover Railway Company, and for other purposes.

cxcvi. An Act to enable the guardians of the poor of the parish of Saint Pancras Middlesex to acquire lands and hereditaments adjacent to their workhouse for the extension thereof; and for other purposes.

cxcvii. An Act to confer further powers on the Didcot Newbury and Southampton Junction Railway Company; to enable them to extend their Railway to Southampton and Aldermaston; and for other purposes.

cxcviii. An Act for making Railways in the Counties of Salop Denbigh and Montgomery to be called the Oswestry and Llangynog Railway and for other purposes.

cxcix. An Act for conferring upon the Pontypridd Caerphilly and Newport Railway Company further powers in connexion with their own undertaking and the undertakings of the Rhymney and Brecon and Merthyr Tydfil Junction Railway Companies, and for other purposes.

cc. An Act for the construction of a quay and other works within the Harbour of Dartmouth for amending the Dartmouth Harbour Orders 1863 and 1870 and for other purposes.

cci. An Act for incorporating the Rhondda and Swansea Bay Railway Company and for other purposes.

ccii. An Act for making a Railway from the central Wales Extension Line of the London and North-western Railway Company at Llangammarch to the Neath and Brecon Railway at Devynock in the county of Brecon and for other purposes.

cciii. An Act to enable the Mayor Aldermen and Citizens of the City of Manchester in the county of Lancaster to acquire and maintain an Art Gallery and for the regulation thereof to execute works for the purposes of their Waterworks to amend and extend the provisions of the Local Acts relating to the City of Manchester and for other purposes.

cciv. An Act to repeal "The Mersey Docks and Harbour Board (Overhead Railways) Act 1878" and to confer new and further powers upon the Board for the construction of overhead or high level Railways in connexion with their Docks on the Liverpool side of the River Mersey; and for other purposes relating to the Board and their Docks.

ccv. An Act to incorporate the West Metropolitan Tramways Company, to empower them to construct new Tramways, and acquire existing Tramways, and for other purposes.

ccvi. An Act to authorise an Extension of Time to the Severn Bridge and Forest of Dean Central Railway Company for completing their Undertaking.

ccvii. An Act to extend the time for the completion of the Limehouse Subway and for other purposes.

ccviii. An Act to empower the Trustees of the Will of the late William Earl of Lonsdale to construct a new Dock and other works in connexion with the existing Workington Harbour, and to raise money for that purpose, and to authorise a sale or transfer by the said Trustees of the Workington Harbour undertaking (being part of the estates settled by the will of the said Earl) and for other purposes.

ccix. An Act to confer further powers on the Easton Neston Mineral and Towcester, Roade and Olney Junction Railway Company, to change the name of the Company, and for other purposes.

ccx. An Act to extend the Limits of Supply of the Busby Water Company; to authorise the Company to construct new works and raise additional Capital; and for other purposes.

ccxi. An Act for authorising the London and South-western Railway Company to make new Railways and other works and to purchase additional lands, and for conferring other powers upon them in relation to their own and other undertakings; for the widening of the Somerset and Dorset Railway; for empowering the Company and the London Brighton and South Coast Railway Company to acquire additional lands; for the sale or lease of part of the Plymouth and Dartmoor Railway to the Company; for authorising agreements between the Company and other Corporations bodies and Companies; and for other purposes.

ccxii. An Act to vest in the Corporation of the borough of Northampton the Race Ground or Freemen's Commons; to extinguish the Freemen's rights of pasturage in certain other lands of the Corporation; to empower the Corporation to form public Parks, and to make New Street Improvements; and for other purposes.

ccxiii. An Act for making Tramways in the parish of Camberwell in the county of Surrey and for other purposes.

ccxiv. An Act for conferring upon the Great Western Railway Company further powers in connexion with their own and other undertakings, and for conferring upon other Companies further powers in connexion with undertakings in which they are jointly interested with that Company; for reviving the Powers of constructing portions of the Coleford Railway and taking Lands for the same; for vesting in the Great Western Railway Company the Undertakings of the Swindon and Highworth Light Railway Company and the Berks and Hants Extension Railway Company; and for other purposes.

ccxv. An Act for conferring further powers on the Whitland, Cronware, and Pendine Railway Company in relation to their undertaking, and for other purposes.

ccxvi. An Act for making Railways from the Stobcross Branch of the North British Railway to the Glasgow and Coatbridge Branch and the Helensburgh Branch of that Railway, and for other purposes.

ccxvii. An Act to vest in the Corporation of Nottingham the Nottingham Freemen's Estate; to confer further powers on the Corporation relating to drainage, streets, and other matters of local government, and the borrowing of money; and for other purposes.

ccxviii. An Act to empower the Rotherham and Bawtry Railway Company to make new Railways at Rotherham to abandon part of their authorised Railway and to raise further capital; and for other purposes.

ccxix. An Act for conferring on the South-eastern Railway Company various powers with reference to their own undertakings and the undertakings of other Companies and for other purposes

ccxx. An Act for incorporating the Tilbury and Gravesend Tunnel Junction Railway Company; for authorising the construction of Railways; and for other purposes

P. **ccxxi.** An Act to amend the Limerick Harbour (Composition of Debt) Act 1867, in relation to Wellesley Bridge.

ccxxii. An Act for amending the Metropolitan Street Improvements Act 1877.

ccxxiii. An Act to enable the Church Fenton, Cawood, and Wistow Railway Company to construct a Railway to join the Hull, Barnsley and West Riding Junction Railway, and to extend the time for the completion of their authorised Railway; and for other purposes.

ccxxiv. An Act for conferring upon the Local Board for the District of Chadderton in the county of Lancaster powers for the acquisition of Lands and the construction of Works and for extending and defining the powers of the Local Board in relation to Streets Buildings and the Improvement and good Government of the district and for other purposes.

ccxxv. An Act to alter and amend the Ballymena and Portglenone Railway Act, 1879

ccxxvi. An Act to authorise the construction of a new Road between Peckham in the county of Surrey and Lewisham in the county of Kent.

ccxxvii. An Act to amalgamate the Lynn and Fakenham the Yarmouth and North Norfolk (Light) the Yarmouth Union the Midland and Eastern and the Peterborough Wisbeach and Sutton Railway Companies.

ccxxviii. An Act for incorporating the Devon and Cornwall Central Railway Company and for other purposes.

ccxxix. An Act to enable the Girvan and Portpatrick Junction Railway Company to raise further moneys, to arrange with their creditors, and to authorise in certain events the sale of the Undertaking.

ccxxx. An Act for incorporating and conferring powers on the East Warwickshire Waterworks Company.

ccxxxi. An Act for incorporating and conferring powers on the Ross District Water Company.

ccxxxii. An Act to enable the Wrexham Mold and Connah's Quay Railway Company to make new Branch Railways Roads Streets and other Works to raise further Capital and for other purposes.

ccxxxiii. An Act to empower the Justices of the Peace for the county of Essex to consolidate the County Debt, and to create and issue County Stock.

ccxxxiv. An Act to define and extend the Limits of Gas Supply of the Corporation of Halifax and to make further Provision for the Borrowing of Money by the Corporation and for other purposes

ccxxxv. An Act to make further provision respecting the borrowing of Money by the Corporation of Newcastle-upon-Tyne and for other purposes.

ccxxxvi. An Act to enable the Mayor Aldermen and Burgesses of the Borough of Huddersfield to construct Additional Tramways Street and Road Improvements Waterworks and other Works and to make further provision for the good Government of the Borough and for other purposes

ccxxxvii. An Act to make further provision respecting the borrowing of Money by the Corporation of Rotherham to authorise the raising of further Sums the extension of time for construction of Dalton Reservoir and for other purposes.

ccxxxviii. An Act for making further provisions respecting the issue and management of Swansea Corporation Stock and for altering the Swansea Corporation Loans Act, 1881 so far as necessary for that purpose.

ccxxxix. An Act for making further provision respecting the Borrowing of Money by the Corporation of Tynemouth and for other purposes.

ccxl. An Act to make further provision respecting the borrowing of Money by the Corporation of Wolverhampton, and for other purposes.

ccxli. An Act to extend the powers of the Ionian Bank, and for other purposes.

ccxlii. An Act for conferring on the trustees and others claiming under the Will of the late Marquis of Bute power to extend their Docks and Railways at Cardiff and for other purposes.

ccxliii. An Act to consolidate and amend the Acts relating to the borough of Blackburn, and to make further provision for its local government and improvement; to authorise the construction of Tramways; and for other purposes.

ccxliv. An Act to enable the Mayor Aldermen and Burgesses of the Borough of Bolton to make new streets and street improvements and to construct additional gasworks and waterworks to extend the limits of gas and water supply and to make further provision for the improvement and government of the borough and for other purposes.

ccxlv. An Act to enable the Corporation of Derby to acquire Little Chester Green to make a new Recreation Ground to vest the Arboretum in the Corporation and to maintain and regulate the same and Bass's Recreation Ground and Baths to make further provision respecting the borrowing of money by the Corporation and for other purposes.

ccxlvi. An Act to authorise the Hull Barnsley and West Riding Junction Railway and Dock Company to make and maintain new Railways and a new Dock and other works and to raise further money and for other purposes.

ccxlvii. An Act for making a Railway in the county of Middlesex to be called the Latimer Road and Acton Railway, and for other purposes.

ccxlviii. An Act for the transfer of the Undertaking of the Kingston and London Railway Company to the London and South-western and Metropolitan District Railway Companies; for authorising deviations in the Kingston and London Railway; and for other purposes

ccxlix. An Act to make better provision for the Health, Local Government and Improvement of the Borough of Macclesfield, and to make further provision in relation to the existing and future loans of the Corporation, and for other purposes.

ccl. An Act for making a Railway between Wimbledon and Putney in the county of Surrey.

ccli. An Act for empowering the Alexandra (Newport and South Wales) Docks and Railway Company to make a New Dock and other Works in Extension of the Company's Works in the Borough of Newport in the County of Monmouth and for other purposes.

cclii. An Act for incorporating a Company for the construction of a Railway between Bawtry and Scrooby and West Stockwith and of a Dock at West Stockwith.

ccliii. An Act for incorporating the Bridgewater Railway Company and authorising them to make and maintain the Bridgewater Railway and for authorising arrangements between them and the London and South-western Railway Company and for other purposes.

cclv. An Act for incorporating the North Cornwall Railway Company and authorising them to make and maintain the North Cornwall Railway and for authorising arrangements between them and the London and South-western Railway Company and for other purposes

cclv. An Act for making a Railway from Charing Cross to the Waterloo Station of the London and South-western Railway to be called the Charing Cross and Waterloo Electric Railway and for other purposes.

cclvi. An Act for forming a Deep Water Harbour at Dover, and for other purposes.

cclvii. An Act for incorporating the London Southern Tramways Company and empowering them to construct Tramways in the parishes of Lambeth and Camberwell in the County of Surrey and for other purposes

cclviii. An Act to authorise the Mersey Railway Company to divert a portion of their authorised line in Birkenhead, and to extend it to the central station in Liverpool, and for other purposes.

cclix. An Act to confer further powers on the Metropolitan District Railway Company with respect to their own and to joint undertakings.

cclx. An Act to authorise the Rhymney Railway Company to make new Railways in the parish of Merthyr Tydfil in the County of Glamorgan, and for other purposes.

cclxi. An Act to authorise the Southport and Cheshire Lines Extension Railway Company to extend their Railway into the Borough of Southport to divert a portion of their authorised Railway and for other purposes

cclxii. An Act for incorporating the Regent's Canal City and Docks Railway Company; for the transfer to them of the undertaking of the Regents Canal Company; for authorising the construction of Railways from the Great Western Railway at Paddington to the City and to the Royal Albert Dock of the London and Saint Katharine Dock's Company; and of street improvements and other works; and for other purposes.

cclxiii. An Act for authorising the South-eastern Railway Company to make new lines and widen their existing lines in the City of London and in the Counties of Middlesex Surrey and Kent and for other purposes.

cclxiv. An Act for making Railways in the Counties of Middlesex and Essex, to be called "The Metropolitan Outer Circle Railway," and for other purposes.

cclxv. An Act for making a Railway from near Radstock to Congresbury in the County of Somerset and for other purposes.

cclxvi. An Act for making a Railway from Beaconsfield in the County of Buckingham to Harrow in the County of Middlesex and for other purposes.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for confirming certain arrangements made between the co-partnership of Crawshay Brothers and their landlords respecting the lease of the Cyfarthfa works and property in the parish of Merthyr Tydfil in the county of Glamorgan; and for other purposes.

2. An Act to provide during the subsistence of the trust for accumulation contained in the Will of Thomas George Corbett Esquire deceased an annual sum for maintenance of the person of full age entitled in immediate expectancy and to enable the grant of jointures by persons entitled in expectancy and for other purposes
3 An Act to enable the Trustees of the Earl of Aylesford's Settled Estates to raise money for payment of his Debts, and for vesting in such Trustees his Life Interest in the Settled Estates and for other purposes.
4. An Act for carrying into effect an arrangement respecting the Estates of His Highness Maharajah Duleep Singh.
5. An Act to give to the Trustees of the Will of Sir Richard Colt Hoare Baronet deceased power to sell property settled by the Testator.

A LIST OF THE LOCAL AND PRIVATE ACTS,

(45 & 46 VICT., 1882,)

ARRANGED IN CLASSES.

CLASS 1.—BRIDGES AND FERRIES.
" 2.—CANALS, RIVERS, NAVIGATIONS, TUNNELS, AND SUBWAYS.
" 3.—CHARITABLE FOUNDATIONS AND INSTITUTIONS.
" 4.—DRAINAGES AND DRAINAGE EMBANKMENTS.
" 5.—ECCLESIASTICAL AFFAIRS, INCLUDING TITHES
" 6.—ESTATES.
" 7.—FISHERIES.
" 8.—GASLIGHT COMPANIES.
" 9.—HARBOURS, DOCKS, PORTS, PIERS, QUAYS, &c.
CLASS 10.—IMPROVEMENTS IN TOWNS, MUNICIPAL AND COUNTY AND LOCAL GOVERNMENT MATTERS, MARKETS, &c.
" 11.—INCLOSURES OF COMMONS.
" 12.—PARISH AFFAIRS.
" 13.—PERSONAL AFFAIRS.
" 14.—RAILWAYS.
" 15.—TRADING AND OTHER COMPANIES.
" 16.—TRAMWAYS.
" 17.—TURNPIKE AND OTHER ROADS.
" 18.—WATER COMPANIES.
" 19.—PROVISIONAL ORDERS CONFIRMATION.

Class 1.—Bridges and Ferries.

Shardlow (Cavendish) and Sawley (Harrington) Bridges (Vesting Harrington Bridge in Trustees of Cavendish Bridge). Ch. xxi.
Wellesley Bridge, Limerick (Amending Limerick Harbour (Composition of Debt) Act, 1867). Ch. ccxxi.

Class 2.—Canals, Rivers, Navigations, Tunnels, and Subways.

Glamorganshire Canal (Works at Cardiff). Ch. clxxvi.
Greenwich and Millwall Subway (Reviving Powers). Ch. cxiii.
Limehouse Subway (Extension of Time). Ch. ccvii.
Regent's Canal (Transfer of Undertaking to Railway Company, &c.) Ch. cclxii.

Class 3.—Charitable Foundations and Institutions.

Belfast Presbyterian College (Incorporating Trustees). Ch. clxvii.
Dundee (Harris Endowment and Dundee Education). Ch. xlii.
King's College, London (Amending Constitution). Ch. xiii.
Liverpool (University College). Ch. lv.

Class 4.—Drainages and Drainage Embankments.

South Kerry Waste Lands Reclamation (Embanking, &c. Waste and Slob Lands). Ch. clxxxix.
South Staffordshire Mines Drainage (Amending Acts, &c.) Ch. cxxxi.

[*For Acts confirming Provisional Orders under the Land Drainage Acts, see* Class 19 (1) (6).]

Class 5.—Ecclesiastical Affairs, including Tithes.

Liverpool (Sale of Site of St. Philip's Church). Ch. x.
Walton-on-the-Hill (Authorising Sale of Advowson of Vicarage). Ch. lvii.

Class 6.—Estates.

Aylesford's (Earl of) Estate. Ch. 3. (*Private.*)
Corbett's Estate. Ch. 2. (*Private.*)
Cyfarthfa Works and Property (Confirming certain Arrangements, &c.) Ch. 1. (*Private.*)
Maharajah Duleep Singh's Estate. Ch. 4. (*Private.*)
Stourhead Settled Estates. Ch. 5. (*Private.*)

Class 7.—Fisheries.

Nil.

Class 8.—Gaslight Companies.

Ascot District (Incorporating Company). Ch. cli.
Bromsgrove (Incorporating Company). Ch. xl.
Exmouth (Additional Powers). Ch. xcvi.
Liverpool United (Additional Works). Ch. xcv.
Northwich (Incorporating Company). Ch. lxxxiii.
Oxford (Further Powers). Ch. cxxvii.
Rothwell (Incorporating Company). Ch. cxxii.
Rugby (Re-incorporating Company). Ch. lxxxiv.
South Metropolitan (Additional Lands). Ch. xxxviii.
Tottenham and Edmonton (Additional Lands, Capital, &c.) Ch. cv.
Tredegar Gas and Water (Authorising Sale of Undertaking to Local Board). Ch. clxxx.
Westgate and Birchington (Further Powers). Ch. cxix.

[*For Acts confirming Provisional Orders under the Gas and Water Works Facilities Act, see* Class 19 (3).]

Class 9.—Harbours, Docks, Ports, Piers, Quays, &c.

Alexandra (Newport and South Wales) Docks and Railway. Ch. cclii.
Bawtry and Trent Railway and Dock (Construction of Works). Ch. cclii.
Belfast Harbour (Construction of Additional Docks, &c.) Ch. clxxi.
Blyth Harbour (Incorporating Commissioners). Ch. liv.
Bristol Port and Channel Dock (Extension of Time). Ch. viii.
Bute Docks (Extending Docks, &c. at Cardiff). Ch. ccxlii.
Dartmouth Harbour (Construction of Quay, &c.) Ch. cc.
Dover Harbour (Construction of Deep Water Harbour, &c.) Ch. cclvi.
East and West India Dock Extension. Ch. xc.
Limerick Harbour (Amending Act of 1867). Ch. ccxxi.
London and St. Katharine Dock (Capital, &c.) Ch. ii.
Londonderry Port and Harbour (Construction of Quays, &c.) Ch. cxlii.
Maryport Harbour (Enabling the Trustees to raise Money). Ch. clviii.
Mersey Docks and Harbour (Overhead Railway). Ch. cciv.
Milford Docks (Further Powers, &c.) Ch. cvi.
Millwall Dock (Further Powers). Ch. xxxvi.
Newhaven Harbour (Amending Act). Ch. lxxviii.
Portsoy Harbour (Transfer of Harbour, &c.) Ch. xxxix.
Southampton Harbour (Further Powers to Board). Ch. clxiv.
Sutton Bridge Dock (Further Powers to Company). Ch. clxxiv.
Whitehaven Harbour and Dock (Enabling Trustees to raise Money, &c.) Ch. cxxxiii.
Workington Dock and Harbour (Construction of New Dock, &c.) Ch. ccviii.

[*For Acts confirming Provisional Orders under the General Pier and Harbour Act, see* Class 19 (4).]

Class 10.—Improvements in Towns, Municipal and County and Local Government Matters, Markets, &c.

Accrington (Empowering Corporation to make Tramways). Ch. cxviii.
Accrington (Further Powers to Corporation for Improvements). Ch. clxxiii.
Alnwick (Enlarging Powers of Corporation, &c.) Ch. xxiii.
Birkenhead (Borough Quarter Sessions). Ch. xiv.
Blackburn (Consolidating and amending Improvement Acts). Ch. ccxliii.
Bolton (Enabling Corporation to make new Streets and Improvements, &c.) Ch. ccxliv.
Bristol (Corporation of the Poor: Levy of Rates). Ch. lxxx.
Carnarvon (Enabling Corporation to acquire Morfa Seiont Common). Ch. cxii.
Chadderton Improvement (Conferring Powers on Local Board). Ch. ccxxiv.
City of London Court (Enabling Corporation to acquire Lands, &c.) Ch. ix.
Derby (Enabling Corporation to acquire Little Chester Green, &c.) Ch. ccxlv.
Dublin (Moore Street Market and North Dublin City Improvement). Ch. clxxxii.
Dundee (Enabling Water Commissioners to construct Works). Ch. xliii.
Dundee (Enabling Gas Commissioners to issue Debenture Stock). Ch. clxxxiv.
Dundee (Amending and Consolidating Police Acts, &c.) Ch. clxxxv.
Edinburgh (Municipal and Police Extension). Ch. clxi.
Essex County Loans (Enabling Justices to consolidate County Debt). Ch. ccxxxiii.
Fulwood and Whittingham (Enabling Local Board to supply Water, &c.) Ch. xi.
Glasgow Corporation and Police (Further Powers). Ch. xix.
Glasgow Corporation (Gas, Railways, &c.) Ch. cxc.
Glasgow Corporation Waterworks (Additional Works). Ch. lxxxvii.
Glasgow Court Houses (Amending Acts). Ch. lxxxii.
Greenock (Extending Boundaries of Burgh, &c.) Ch. cliv.
Halifax Corporation (Defining Limits of Gas Supply). Ch. ccxxxiv.
Huddersfield (Construction of Works by Corporation). Ch. ccxxxvi.
Hull (Extension of Boundaries of Borough, &c.) Ch. cxv.
Liverpool (Street Improvements, &c.) Ch. lv.
London Riverside (Shadwell) Fish Market and New Street, &c. Ch. cxlvi.
Lower Thames Valley Main Sewerage Board (Authorization of Expenses). Ch. xlvi.
Macclesfield (Local Government, Improvement, &c.) Ch. ccxlix.
Manchester (Art Gallery; Waterworks, &c.) Ch. cciii.
Metropolitan Board of Works (Various Powers, &c.) Ch. lvi.
Metropolitan Markets—Fish, &c. (Authorising Corporation to convert existing Markets, &c.) Ch. civ.
Metropolitan Street Improvements (Amending Act of 1877). Ch. ccxxii.
Newcastle-upon-Tyne (Road and Street Improvements, &c.) Ch. clxxii.
Newcastle-upon-Tyne (Loans by Corporation). Ch. ccxxxv.
Northampton (Vesting in Corporation the Freemen's Commons, &c.) Ch. ccxii.
Nottingham (Vesting in Corporation the Nottingham Freemen's Estate, &c.) Ch. ccxvii.
Oswaldtwistle Local Board (Settlement of certain Claims). Ch. cxvii.
Padiham Local Board (Waterworks). Ch. cix.
Peckham, Catford Bridge, and Lewisham New Road (Authorising Construction). Ch. ccxxvi.
Rotherham (Loans by Corporation). Ch. ccxxxvii.
Saint Helen's (Authorising Corporation to construct additional Waterworks). Ch. cxlix.
South London Market (Establishing, &c. Market near the Elephant and Castle, Newington). Ch. cxliv.
Swansea (Loans by Corporation). Ch. ccxxxviii.
Tredegar (Authorising Local Board to purchase Undertaking of the Tredegar Water and Gas Company.) Ch. clxxx.
Tynemouth (Loans by Corporation). Ch. ccxxxix.
West Ham (Extending Powers of Local Board). Ch. xxxvii.
Wolverhampton (Loans by Corporation). Ch. ccxl.

[*For Acts confirming Provisional Orders under Acts relating to subjects embraced in this Class, see* Class 19 (7), (8).]

Class 11.—Inclosures of Commons.

[*For Acts confirming Provisional Orders in pursuance of Reports of Inclosure Commissioners, see* Class 19 (5).]

Class 12.—Parish Affairs.

Saint Pancras, Middlesex (Enabling Guardians to acquire Lands). Ch. cxcvi.

[*For Acts confirming Provisional Orders under Elementary Education Act and Poor Law Amendment Act, see* Class 19 (2), (7*d*).]

Class 13.—Personal Affairs.

Crawshay Brothers (Confirming arrangements respecting Lease of Cyfarthfa Ironworks). Ch. 1. (*Private.*)
Lecky (F. B.) and Smyth (W. H.): Improvements in Manufacture of Soles. Ch. lxxxiv.

Class 14.—Railways.

Abbotsbury (Further Powers, &c.) Ch. xii.
Alexandra (Newport and South Wales) Docks and Railway. Ch. ccli.
Ballymena and Portglenone (Amending Act of 1879). Ch. ccxxv.
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Bridgwater (Construction of Line). Ch. ccliii.
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[NOTE.—By the "ANNUAL TURNPIKE ACTS CONTINUANCE ACT, 1882," *certain Local Acts are repealed, and certain other Local Acts are continued for specified terms. See Schedules to* 45 & 46 Vict. c. 52. (*Public.*)]

Class 18.—Water Companies.

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(3.) *Under Gas and Water Works Facilities Act,* 1870:

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Order of the Local Government Board relating to the Local Government District of Upper Sedgley. Ch. clxix.

(4.) *Under General Pier and Harbour Act,* 1861:

Orders of the Board of Trade under the General Pier and Harbour Act, 1861, relating to Eyemouth, Greenock, and Rothesay. Ch. lviii.

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(7.) *Under Local Government and other Acts:*

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Class 19.—Provisional Orders Confirmation—*continued.*

(7.) *Under Local Government and other Acts*—continued.

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(*c*) *Highways and Locomotives Act*, 1878:

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(*d*) *Poor Law Acts*, 1876 *and* 1879:

Orders of the Local Government Board under the Divided Parishes and Poor Law Amendment Act, 1876, as amended and extended by the Poor Law Act, 1879, relating to the Parishes of Barmbrough, Burghwallis, Coleshill, Conisbrough, Forrest Hill, Hickleton, Inglesham, Kirk Bramwith, Kirk Sandall and Trumfleet, Shotover, and Shotover Hill Place, and to the Townships of Adwick-le-Street, Askern, Barnby-upon-Don or Barnby Dunn, Campsall, Dalton, Ecclesfield, Helmington Row, Langthwaite-with-Tilts, Mexbrough, Moss, Owston, Thorpe-in-Balne, and Willington. Ch. xxxiv.

(*e*) *Public Health Act*, 1875:

Orders of the Local Government Board relating to the City and County of Bristol, the Local Government District of Bromley, the Port of Cardiff, the Rural Sanitary District of the Glendale Union, the Borough of Hastings, the Local Government District of Merthyr Tydfil, the Boroughs of Newport (Monmouthshire) and Portsmouth, the Local Government District of Sandal Magna, and the Rural Sanitary District of the Ware Union. Ch. xxxiii.

Orders relating to the City and Borough of Bath, the Local Government District of Brierley Hill, the Borough of Burton-upon-Trent, the Rural Sanitary District of the Keighley Union, the Boroughs of Margate, Newbury, and Preston, the Town of Ramsgate, the Borough of Saint Helens, and the Rural Sanitary District of the Settle Union. Ch. lx.

Orders relating to the Borough of Birmingham (two), the Local Government Districts of Gainsborough, Smethwick, and South Blyth, the Borough of Stafford, the Staines Joint Hospital District, the Improvement Act District of Surbiton, the Uxbridge Joint Hospital District, the Local Government District of Watford, and the Borough of Wigan. Ch. lxi.

Orders relating to the Rural Sanitary District of the Billericay Union, the City and County of Bristol, the Local Government District of Compton Gifford, the Rural Sanitary District of the Farnham Union, the Local Government Districts of Hendon and Madron, the Borough of Nottingham, the Local Government Districts of Rusholme and Torquay, the Borough of Walsall, the Improvement Act District of West Bromwich, and the Local Government District of Worthing. Ch. lxii.

Orders relating to the Borough of Ashton-under-Lyne, the Improvement Act District of Bethesda, the Local Government District of Heckmondwike, the Borough of Lewes, the Improvement Act District of Lytham, the Local Government District of Pemberton, the Borough of Rochdale, and the Local Government District of Sowerby Bridge. Ch. lxiii.

Orders relating to the Local Government Districts of Ealing, Edmonton, and Crompton, the Ports of Newcastle, North Shields, and South Shields, the Port of Plymouth, and the Local Government Districts of West Cowes and Woodford. Ch. lxiv.

Order relating to the Borough of Ryde. Ch. lxix.

Order relating to the Borough of Salford. Ch. xcvii.

Order relating to the Local Government District of Workington. Ch. xcviii.

Orders relating to the Improvement Act Districts of Fleetwood and Rhyl and the City of York. Ch. ciii.

Order relating to the Local Government District of Upper Sedgley. Ch. clxix.

Orders relating to the Borough of Bury (two), the Godalming Main Sewerage District, and the Local Government Districts of Marsden and Northwich. Ch. clxx.

Class 19.—Provisional Orders Confirmation—*continued.*

(8.) *Under Local Government (Ireland) and Public Health (Ireland) Acts:*

Order of the Local Government Board for Ireland relating to the Bangor Gas Undertaking. Ch. xxxi.

Orders relating to the Towns of Ballymena, Clonmel, Fermoy, and Letterkenny. Ch. xxxii.

Orders relating to the Towns of Ballina and Lurgan. Ch. lxv.

Orders relating to the City of Dublin and the Poor Law Union of Ballymoney. Ch. lxvi.

Orders relating to Banbridge, Ennis, Larne, and Londonderry. Ch. lxxi.

Order relating to Waterworks in the Town of Queenstown. Ch. cxl.

(9.) *Under Merchant Shipping Act,* 1862:

Order of the Board of Trade under the Merchant Shipping Act Amendment Act, 1862, relating to the Pilotage of the River Tees. Ch. i.

(10.) *Under Metropolitan Commons Acts,* 1866 *and* 1869:

Schemes under the Metropolitan Commons Acts, 1866 and 1869, relating respectively to Acton Commons, Chiswick and Turnham Green Commons, and Tottenham Commons. Ch. iv.

(11.) *Under Roads and Bridges (Scotland) Act,* 1878:

Order of Secretary of State providing that the Roads and Bridges (Scotland) Act, 1878, shall come into force in the County of Edinburgh on the 1st day of September 1882, subject to certain conditions. Ch. lxxii.

(12.) *Under Tramways Act,* 1870:

Orders of the Board of Trade under the Tramways Act, 1870, relating to Great Yarmouth Tramways, Highgate Hill Tramways, Isle of Axholme and Marshland Tramways, North Shields and District Tramways Extension, Pontypridd and Rhondda Valley Tramways, Staffordshire Tramways (Extension), Sunderland Tramways (Extension), and Weston-super-Mare Tramways. Ch. lxx.

Orders relating to Birmingham and Aston Tramways, Birmingham and Suburban Tramways, Birmingham and Western Districts Tramways, Manchester, Bury, and Rochdale Tramways (Extensions), and Walsall and District Tramways. Ch. ci.

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Artillery Ranges (Extending Act of 1862, 25 & 26 Vict. c. 36.) Ch. lxviii.

TABLES

SHOWING

THE EFFECT OF THE YEAR'S LEGISLATION.

TABLE A.—Acts of 45 & 46 Vict. (in order of Chapter), showing their effect on former Acts.

TABLE B.—Acts of former Sessions (in chronological order) Repealed and Amended by Acts of 45 & 46 Vict.

(A.)

Acts of 45 & 46 Vict. (in order of Chapter), showing their effect on former Acts.

CH.

1. CONSOLIDATED FUND (313,270*l.*) [U.K.]

2. POST OFFICE (REPLY POST CARDS) [U.K.]
   Authorises issue of Reply Post Cards.

3. SLATE MINES (GUNPOWDER) [U.K.]
   Provides for exemption of slate mines from certain regulations as to use of explosives contained in s. 23 of 35 & 36 Vict. c. 77., Metalliferous Mines Regulation Act, 1872.

4. CONSOLIDATED FUND (424,844*l.* 14*s.* 10*d.* and 6,793,498*l.*) [U.K.]

5. DUKE OF ALBANY (ESTABLISHMENT) [U.K.]
   Grants additional annuity of 10,000*l.* for life to the Duke of Albany.

6. GENERAL POLICE AND IMPROVEMENT (SCOTLAND) [S.]
   Repeals section 3 of 31 & 32 Vict. c. 102., General Police and Improvement (Scotland) Act, 1862, Amendment Act.

7. ARMY (ANNUAL) [U.K.]
   Continues, and amends, 44 & 45 Vict. c. 58., Army Act, 1881.

8. CONSOLIDATED FUND (9,282,435*l.*) [U.K.]

9. DOCUMENTARY EVIDENCE [U.K.]
   Amends 31 & 32 Vict. c. 37., Documentary Evidence Act, 1868.

10. MILITARY MANŒUVRES [E.]
    Applies 44 & 45 Vict. c. 58., Army Act, 1881.

11. PUBLIC HEALTH (SCOTLAND) ACT AMENDMENT [S.]
    Repeals 42 & 43 Vict. c. 15., Public Health (Scotland) Act, 1867, Amendment Act, 1879.
    Construes Act with 30 & 31 Vict. c. 101., Public Health (Scotland) Act, 1867.

12. MILITIA STOREHOUSES [E.]
    Repeals part of section 3 of 17 & 18 Vict. c. 105., Militia Law Amendment Act, 1854.

13. ARKLOW HARBOUR [I.]
    Preamble recites 32 Geo. 3. c. 24. (I.) and 26 & 27 Vict. c. ccix.
    Incorporates parts of 10 & 11 Vict. c. 16., Commissioners Clauses Act, 1847, and parts of 10 & 11 Vict. c. 27., Harbours, Docks, and Piers Clauses Act, 1847.

Table A.—Acts of 45 & 46 Vict. (in order of Chapter), &c.—*continued.*

CH.

14. METROPOLIS MANAGEMENT AND BUILDING ACTS (AMENDMENT) [E.]
Amends, and applies, 18 & 19 Vict. c. 120., Metropolis Management Act, 1855.
,, ,, 18 & 19 Vict. c. 122, Metropolitan Building Act, 1855.
Applies 25 & 26 Vict. c. 102., Metropolis Management Amendment Act, 1862.

15. COMMONABLE RIGHTS [E.]
Amends 8 & 9 Vict. c. 18., Lands Clauses Consolidation Act, 1845.
,, 15 & 16 Vict. c. 79., } Inclosure Acts, 1852 and 1854.
,, 17 & 18 Vict c. 97., }
Applies Inclosure Acts, 1845 to 1878.
,, 42 & 43 Vict. c. 37., Commons Act, 1879.

16. IRISH REPRODUCTIVE LOAN FUND ACT (1874) AMENDMENT [I.]
Repeals clauses 2 & 3 of section 5 of 37 & 38 Vict. c. 86., Irish Reproductive Loan Fund Act, 1874.
Applies 22 Vict. c. 14., Manor Courts, &c. (Ireland) Act, 1859.

17. CUSTOMS AND INLAND REVENUE BUILDINGS (IRELAND) [I.]
Applies 32 & 33 Vict. c. 74., Public Works (Ireland) Act, 1869.
,, (with modification) s. 275 of 39 & 40 Vict. c. 36., Customs Consolidation Act, 1876.
Incorporates 8 & 9 Vict. c. 18., }
,, 23 & 24 Vict. c. 106., }
,, 14 & 15 Vict. c. 70., } Lands Clauses Consolidation (Ireland) Acts, 1845 to 1868.
,, 23 & 24 Vict. c. 97., }
,, 27 & 28 Vict. c. 71, }
,, 31 & 32 Vict. c. 70., }
Affects 16 & 17 Vict. c. 107., } Customs Consolidation Acts, 1853 and 1876.
,, 39 & 40 Vict. c. 36., }
,, 42 & 43 Vict. c. 36., Customs Buildings Act, 1879.

18. PUBLIC SCHOOLS (SCOTLAND) TEACHERS [S.]
Regulates procedure of School Boards in dismissal of teachers.
Applies 35 & 36 Vict. c. 62., Education (Scotland) Act, 1872.

19. INTERMENTS (FELO DE SE) [E.]
Repeals 4 Geo. 4. c. 52., Felo de se Act, 1823.
Applies 43 & 44 Vict. c. 41., Burial Laws Amendment Act, 1880.

20. POOR RATE ASSESSMENT AND COLLECTION ACT, 1869, AMENDMENT [E.]
Amends 32 & 33 Vict. c. 41., Poor Rate Assessment and Collection Act, 1869.

21. PLACES OF WORSHIP SITES AMENDMENT [E.]
Amends 36 & 37 Vict. c. 50., Places of Worship Sites Act, 1873.
Applies 5 & 6 Will. 4. c. 69., Workhouse Property Act, 1835.

22. BOILER EXPLOSIONS [U.K.]
Applies, in England, the Summary Jurisdiction Acts.
,, in Scotland, 27 & 28 Vict. c. 53. and 44 & 45 Vict. c. 33., Summary Jurisdiction Acts, 1864 and 1881.
,, in Ireland, 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851, &c.

23. PUBLIC HEALTH (FRUIT PICKERS LODGINGS) [E.]
Amends section 314 of 38 & 39 Vict. c. 55., Public Health Act, 1875.

24. PETTY SESSIONS (IRELAND) [I.]
Amends 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.

25. PREVENTION OF CRIME (IRELAND) [I.]
Applies 40 & 41 Vict. c. 57., Supreme Court of Judicature Act (Ireland), 1877.
,, 39 & 40 Vict. c. 78., Juries Procedure (Ireland) Act, 1876.
,, 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.
,, section 39 of 33 Vict. c. 9., Peace Preservation (Ireland) Act, 1870.
,, 44 & 45 Vict. c. 5., Peace Preservation (Ireland) Act, 1881.
Re-enacts (with certain provisoes) 11 & 12 Vict. c. 20., Alien Act, 1848.

26. ELECTION OF REPRESENTATIVE PEERS (IRELAND) [I.]
Amends 39 & 40 Geo. 3. c. 67., Act of Union of Great Britain and Ireland.

Table A.—Acts of 45 & 46 Vict. (in order of Chapter), &c.—*continued.*

CH.

27. HIGHWAY RATE ASSESSMENT AND EXPENDITURE [E.]
Extends certain provisions of 32 & 33 Vict. c. 41. (Poor Rate Assessment and Collection Act, 1869) to the Highway Rate.
Repeals section 30 of 5 & 6 Will. 4. c. 50., Highway Act, 1835.
Applies 27 & 28 Vict. c. 39., Union Assessment Committee Amendment Act, 1864
,, 41 & 42 Vict. c. 77., Highways and Locomotives (Amendment) Act, 1878.
,, 38 & 39 Vict. c. 55., Public Health Act, 1875.

28. CONSOLIDATED FUND (5,703,891*l.*) [U.K.]

29. COUNTY COURT AMENDMENT (IRELAND) [I.]
Applies 40 & 41 Vict. c. 56., County Officers and Courts (Ireland) Act, 1877.
,, 14 & 15 Vict. c. 57., Civil Bills, &c. (Ireland) Act, 1851.
Repeals sections 127, 128, 129, and 130 of 14 & 15 Vict. c. 57., Civil Bills, &c. (Ireland) Act, 1851.
,, section 55 of 40 & 41 Vict. c. 56., County Officers and Courts (Ireland) Act, 1877.
Extends jurisdiction of County Courts under 40 & 41 Vict. c. 56. s. 33.

30. BATHS AND WASH HOUSES [E.]
Amends sections 24 and 27 of 9 & 10 Vict. c. 74, Public Baths and Wash Houses Act, 1846.

31. INFERIOR COURTS JUDGMENTS EXTENSION [U.K.]
Applies 31 & 32 Vict. c. 54., Judgments Extension Act, 1868.
,, (as to making, &c. of rules) County Courts Acts, England; Sheriffs Courts Acts, Scotland; and Civil Bill Courts Acts, Ireland.

32. PUBLIC OFFICES SITE [E.]
Applies 8 & 9 Vict. c. 18., 23 & 24 Vict. c. 106., 32 & 33 Vict. c. 18., } Lands Clauses Consolidation Acts, 1845, 1860, and 1869.
,, 15 & 16 Vict. c. 28., Public Works Act, 1852.
,, Summary Jurisdiction Acts.
Exempts buildings from operation of 18 & 19 Vict. c. 122., Metropolitan Buildings Act, 1855.

33. METROPOLITAN BOARD OF WORKS (MONEY) [E.]
Amends 38 & 39 Vict. c. 65., 44 & 45 Vict. c. 48., } Metropolitan Board of Works (Money) Acts, 1875 and 1881.
,, 32 & 33 Vict. c. 102., Metropolitan Board of Works (Loans) Act, 1869.
Applies Metropolitan Board of Works (Loans) Acts, 1869 to 1871.
,, Metropolitan Board of Works (Money) Acts, 1875 to 1881.
,, 18 & 19 Vict. c. 120., Metropolis Management Act, 1855.
Empowers Board to expend Moneys for purposes described in the Schedules.
Applies 24 & 25 Vict. c. 98., as to forgery of Metropolitan Bills.

34. BEER DEALERS' RETAIL LICENCES (AMENDMENT) [E.]
Amends 43 Vict. c. 6., Beer Dealers' Retail Licences Act, 1880.
Extends 32 & 33 Vict. c. 27., Wine and Beerhouse Act, 1869.
Applies 35 & 36 Vict. c. 94., Licensing Act, 1872.

35. FRIENDLY SOCIETIES (QUINQUENNIAL RETURNS) [U.K.]
Repeals part of 38 & 39 Vict. c. 60., Friendly Societies Act, 1875.

36. CASUAL POOR [E.]
Amends 34 & 35 Vict. c. 108., Pauper Inmates Discharge and Regulation Act, 1871.
Applies 30 & 31 Vict. c. 6., Metropolitan Poor Act, 1867.
,, 5 Geo. 4. c. 83., Rogues and Vagabonds.

37. CORN RETURNS [E.]
Repeals 5 & 6 Vict. c. 14., Corn Importation Act, 1842.
,, 27 & 28 Vict. c. 87., Corn Returns Act, 1864.
,, section 56 of 6 & 7 Will. 4. c. 71., Commutation of Tithes Act, 1836.
Applies 41 & 42 Vict. c. 49., Weights and Measures Act, 1878.
,, 42 & 43 Vict. c. 49., &c., Summary Jurisdiction Acts.

Table A.—Acts of 45 & 46 Vict. (in order of Chapter), &c.—*continued.*

Ch.

38. Settled Land [E. & I.]
Repeals (in part) 23 & 24 Vict. c. 145., Trustees, &c. Act, 1860.
,, ,, 27 & 28 Vict. c. 114., Improvement of Land Act, 1864.
,, ,, 40 & 41 Vict. c. 18., Settled Estates Act, 1877.
Applies 39 & 40 Vict. c. 59., Appellate Jurisdiction Act, 1876.
,, 44 & 45 Vict. c. 68., Supreme Court of Judicature Act, 1881.
,, 40 & 41 Vict. c. 57., Supreme Court of Judicature (Ireland) Act, 1877.
,, 40 & 41 Vict. c. 56., County Officers and Courts (Ireland) Act, 1877.

39. Conveyancing [E. & I.]
Amends, and applies, 44 & 45 Vict. c. 41., Conveyancing Act, 1881.
Repeals 17 & 18 Vict. c. 75., Acknowledgment of Deeds by Married Women Act, 1854.
,, 41 & 42 Vict. c. 23., Acknowledgment of Deeds by Married Women (Ireland) Act, 1878.
,, (in part) 3 & 4 Will. 4. c. 74., Fines and Recoveries Act, 1833.
,, ,, 4 & 5 Will. 4. c. 92., Fines and Recoveries (Ireland) Act, 1834.
Applies 39 & 40 Vict. c. 59., Appellate Jurisdiction Act, 1876.
,, 44 & 45 Vict. c. 68., Supreme Court of Judicature Act, 1881.
,, 40 & 41 Vict. c. 57., Supreme Court of Judicature (Ireland) Act, 1877.

40. Copyright (Musical Compositions) [U.K.]
Amends Law of Copyright as to Musical Compositions.
Amends 3 & 4 Will. 4. c. 15., as to Costs in Actions, &c.

41. Customs and Inland Revenue [U.K.]
Grants Import Duties on Tea.
Repeals customs duties under 39 & 40 Vict. c. 35. (Customs Tariff Act, 1876) on vegetable matter other than chicory.
Repeals excise duty under 35 & 36 Vict. c. 20. (Customs, &c. Act, 1872) on vegetable matter other than chicory.
Grants duty on imitations of coffee, &c.: Applies 33 & 34 Vict. c. 98., Stamp Duties Act, 1870; Repeals section 5 of 43 Geo. 3. c. 129.
Grants duties of Income Tax, and applies former Acts (except section 22 of 44 & 45 Vict. c. 12.)

42. Civil Imprisonment (Scotland) [S.]
Construes Act with 43 & 44 Vict. c. 34., Debtors (Scotland) Act, 1880, and 44 & 45 Vict. c. 22., Bankruptcy, &c. (Scotland) Act, 1881.

43. Bills of Sale Act, 1878, Amendment [E.]
Amends 41 & 42 Vict. c. 31., Bills of Sale Act, 1878.
Applies section 60 of 32 & 33 Vict. c. 71., Bankruptcy Act, 1869.

44. Pensions Commutation [U.K.]
Amends 34 & 35 Vict. c. 36., Pensions Commutation Act, 1871.

45. Bombay Civil Fund [U.K.]
Provides for transfer of assets to Secretary of State for India.

46. Isle of Man (Officers) [U.K.]
Amends 39 & 40 Vict. c. 43., Isle of Man (Officers) Act, 1876.
Applies 22 Vict. c. 26., Superannuation Act, 1859.

47. Arrears of Rent (Ireland) [I.]
Applies 44 & 45 Vict. c. 49., Land Law (Ireland) Act, 1881.
,, 23 & 24 Vict. c. 154., Landlord and Tenant (Ireland) Act, 1860.
,, 33 & 34 Vict. c. 46., Landlord and Tenant (Ireland) Act, 1870.
,, 44 & 45 Vict. c. 71., Irish Church Act Amendment Act, 1881.
,, 12 & 13 Vict. c. 104., Poor Law (Ireland) Act, 1849 (as to Emigration).

48. Reserve Forces [U.K.]
Consolidates Enactments relating to the Reserve Forces.
Repeals 30 & 31 Vict. c. 110., Reserve Force Act, 1867.
,, 30 & 31 Vict. c. 111., Militia Reserve Act, 1867.
,, part of 33 & 34 Vict. c. 67., Army Enlistment Act, 1870.
,, ,, 34 & 35 Vict. c. 86., } Regulation of the Forces Acts, 1871 and 1881.
,, ,, 44 & 45 Vict. c. 57., }
,, ,, 36 & 37 Vict. c. 68., Militia Service Act, 1873.
,, ,, 41 & 42 Vict. c. 10., Mutiny Act, 1878.
,, ,, 42 & 43 Vict. cc. 32., 33., Army Discipline Acts, 1879.
,, ,, 44 & 45 Vict. c. 58., Army Act, 1881.

Table A.—Acts of 45 & 46 Vict. (in order of Chapter), &c.—*continued.*

CH.

49. MILITIA [U.K.]
Consolidates Enactments relating to the Militia.
Re-enacts (with certain modifications) 38 & 39 Vict. c. 69., Militia (Voluntary Enlistment) Act, 1875.
Applies 44 & 45 Vict. c. 58., Army Act, 1881.
Re-enacts certain Enactments in 33 & 34 Vict. c. 67. and 34 & 35 Vict. c. 86., with respect to Local Militia.
Repeals the several Acts and portions of Acts described in the Second Schedule.
[*These Enactments will be found in their chronological order in Table B.*]

50. MUNICIPAL CORPORATIONS [E.]
Consolidates Enactments relating to Municipal Corporations.
Repeals the several Acts and portions of Acts described in the First Schedule.
[*These Enactments will be found in Table B.* See pages 521–523.]
Applies this Act to every City and Town to which 5 & 6 Will. 4. c. 76. (Municipal Corporations Act, 1835) applies, &c.
Applies 41 & 42 Vict. c. 26., Parliamentary and Municipal Registration Act, 1878.
,, 35 & 36 Vict. c. 33., Ballot Act, 1872.
,, 31 & 32 Vict. c. 125., Parliamentary Elections Act, 1868.
,, 8 & 9 Vict. c. 18., } Lands Clauses Consolidation Acts, 1845, 1860, and 1869.
,, 23 & 24 Vict. c. 106., } Lands Clauses Consolidation Acts, 1845, 1860, and 1869.
,, 32 & 33 Vict. c. 18., } Lands Clauses Consolidation Acts, 1845, 1860, and 1869.
,, 24 & 25 Vict. c. 96. s. 75., Larceny Act, 1861.
,, 38 & 39 Vict. c. 89. s. 40., Public Works Loans Act, 1875.
,, 16 & 17 Vict. c. 137. s. 65., Charitable Trusts Act, 1853.
,, 38 & 39 Vict. c. 55., Public Health Act, 1875.
,, 38 Geo. 3. c. 52., Trial of Offences in Cities, &c.
,, 1 & 2 Will. 4. c. 41., Appointment of Special Constables.
,, 24 & 25 Vict. c. 47., Harbours and Passing Tolls Act, 1861.
,, 3 Geo. 4. c. 46., Return and levying of Fines, Forfeitures, &c.
,, 31 & 32 Vict. c. 72., Promissory Oaths Act, 1868.
,, 30 & 31 Vict. c. 102., Representation of the People Act, 1867.
,, 9 Geo. 4. c. 61., Licences to Innkeepers, &c.

51. GOVERNMENT ANNUITIES [U.K.]
Repeals (in part) 16 & 17 Vict. c. 45. and 27 & 28 Vict. c. 43., Government Annuities Acts, 1853 and 1864.
Construes Act with 27 & 28 Vict. c. 43.
Applies 27 & 28 Vict. c. 46., Government Annuities (Investments) Act, 1864.
,, 38 & 39 Vict. c. 60., Friendly Societies Act, 1875.

52. ANNUAL TURNPIKE ACTS CONTINUANCE [E.]
Repeals and continues Local Acts as set forth in Schedule.

53. ENTAIL (SCOTLAND) [S.]
Defines "Entail Acts" as set out in Schedule.
Applies 11 & 12 Vict. c. 36., } Entail Amendment Acts, 1848, 1868, 1875, and 1878.
,, 31 & 32 Vict. c. 84., } Entail Amendment Acts, 1848, 1868, 1875, and 1878.
,, 38 & 39 Vict. c. 61., } Entail Amendment Acts, 1848, 1868, 1875, and 1878.
,, 41 & 42 Vict. c. 28., } Entail Amendment Acts, 1848, 1868, 1875, and 1878.
,, 44 & 45 Vict. c. 47., Presumption of Life Limitation (Scotland) Act, 1881.

54. ARTIZANS' DWELLINGS [U.K.]
Amends 38 & 39 Vict. c. 36., } Artizans and Labourers Dwellings Acts, 1875 and 1879.
,, 42 & 43 Vict. cc. 63., 64., } Artizans and Labourers Dwellings Acts, 1875 and 1879.
Applies 8 & 9 Vict. c. 18., Lands Clauses Act, 1845.
,, 31 & 32 Vict. c. 130., Artizans and Labourers Dwellings Act, 1868.
,, 38 & 39 Vict. c. 55., Public Health Act, 1855.

55. MERCHANT SHIPPING (EXPENSES) [U.K.]
Construes Act with Merchant Shipping Acts, 1854 to 1880.
Repeals (in part) 17 & 18 Vict. c. 104., } Merchant Shipping Acts, 1854 and 1876.
,, ,, 39 & 40 Vict. c. 80., } Merchant Shipping Acts, 1854 and 1876.
,, section 27 of 7 Geo. 4. c. 64., Administration of Criminal Justice.
,, part of section 22 of 4 & 5 Will. 4. c. 36., Central Criminal Act.
,, part of section 1 of 7 & 8 Vict. c. 2., Trial of Offences on the High Seas.

Table A.—Acts of 45 & 46 Vict. (in order of Chapter), &c.—*continued.*

CH.

55. MERCHANT SHIPPING (EXPENSES) [U.K.]—*continued.*
Repeals 40 & 41 Vict. c. 44., Superannuation (Mercantile Marine Fund Officers) Act, 1877.
Applies 18 & 19 Vict. c. 119., Passengers Act, 1855.
,, 45 & 46 Vict. c. 22., Boiler Explosions Act, 1882.
,, 29 & 30 Vict. c. 39., Exchequer and Audit Act, 1866.

56. ELECTRIC LIGHTING [U.K.]
Applies 38 & 39 Vict. c. 55., Public Health Act, 1875.
,, 41 & 42 Vict. c. 52., Public Health (Ireland) Act, 1878.
,, 38 & 39 Vict. c. 83., Local Loans Act, 1875.
,, 10 & 11 Vict. c. 15., } Gasworks Clauses Acts, 1847 and 1874.
,, 34 & 35 Vict. c. 41., }
,, 37 & 38 Vict. c. 40., Board of Trade Arbitrations Act, 1874.
,, 32 & 33 Vict. c. 73., } Telegraph Acts, 1869 and 1878.
,, 41 & 42 Vict. c. 76., }
,, 8 & 9 Vict. cc. 18., 19., }
,, 23 & 24 Vict. c. 106., } Lands Clauses Acts, 1845, 1860, and 1869.
,, 32 & 33 Vict. c. 18., }

57. COUNTY COURTS (COSTS AND SALARIES) [E.]
Repeals part of section 91 of 9 & 10 Vict. c. 95., }
,, part of section 2 of 29 & 30 Vict. c. 14., } County Courts Acts, 1846, 1866, and 1867.
Amends section 5 of 30 & 31 Vict. c. 142., }

58. DIVIDED PARISHES AND POOR LAW AMENDMENT [E.]
Repeals (in part) 20 Vict. c. 19., Poor Law Act, 1857.
,, ,, 4 & 5 Will. 4. c. 76., Poor Law Act, 1834.
,, ,, 5 & 6 Will. 4. c. 69., Union and Parish Property Act, 1835.
,, ,, 5 & 6 Vict. c. 18., Parish Property, &c. Act, 1842.
Amends 39 & 40 Vict. c. 61., Divided Parishes, &c. Act, 1876.
,, section 1 of 25 & 26 Vict. c. 43., Poor Law Act, 1862.
Applies 42 & 43 Vict. c. 54., Poor Law Act, 1879.

59. EDUCATIONAL ENDOWMENTS (SCOTLAND) [S.]
Applies 41 & 42 Vict. c. 48., Endowed Institutions (Scotland) Act, 1878.
,, 31 & 32 Vict. c. 100., Court of Session Act, 1868.

60. LABOURERS COTTAGES AND ALLOTMENTS (IRELAND) [I.]
Amends 44 & 45 Vict. c. 49., Land Law (Ireland) Act, 1881.
Applies 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.

61. BILLS OF EXCHANGE [U.K.]
Codifies the law relating to Bills of Exchange, Cheques, and Promissory Notes.
Repeals the several Acts and portions of Acts described in the Second Schedule.
[*These Enactments will be found in their chronological order in Table B.*]
Applies 34 & 35 Vict. c. 17., Bank Holidays Act, 1871.

62. PUBLIC WORKS LOANS [U.K.]
Grants 3,000,000*l.* for Public Works, and 1,200,000*l.* for Public Works in Ireland, during period ending 30th June 1883.
Grants 400,000*l.* to Irish Land Commission under 44 & 45 Vict. c. 49.
Borrowing powers for purposes of 45 & 46 Vict. c. 47., Arrears of Rent (Ireland) Act, 1882: Applies 44 & 45 Vict. c. 71., Irish Church Act Amendment Act, 1881.
Amends 24 & 25 Vict. c. 45., General Pier and Harbour Act, 1861.
Repeals section 13 of 38 & 39 Vict. c. 89., Public Works Loans Act, 1875.
,, section 11 of 40 & 41 Vict. c. 27., Public Works Loans (Ireland) Act, 1877.
Amends section 28 of 44 & 45 Vict. c. 49., Land Law (Ireland) Act, 1881.
Applies 38 & 39 Vict. c. 55., Public Health Act, 1875.
,, 41 & 42 Vict. c. 52., Public Health (Ireland) Act, 1878.
,, 25 & 26 Vict. c. 101., General Police and Improvement (Scotland) Act, 1862.
Postpones payment of debt due from Trustees of Pulteney Harbour at Wick.

63. CONSTABULARY (IRELAND) AMENDMENT [I.]
Amends 37 & 38 Vict. c. 80., Constabulary (Ireland) Act, 1874.

Table A —Acts of 45 & 46 Vict (in order of Chapter), &c —*continued*

CH

64 EXPIRING LAWS CONTINUANCE [U K]

Continues (as in Schedule) the following Acts, and Acts amending the same, viz —

5 & 6 Will 4 c 27, Linen, &c Manufactures (Ireland)
3 & 4 Vict c 89, Poor Rates (Stock in Trade Exemption)
4 & 5 Vict c 35, Copyhold, &c Commissions
4 & 5 Vict c 59, Application of Highway Rates to Turnpike Roads
10 & 11 Vict c 32, Landed Property Improvement (Ireland)
10 & 11 Vict c 98, Ecclesiastical Jurisdiction
11 & 12 Vict c 32, County Cess (Ireland)
14 & 15 Vict c 104, Episcopal, &c Estates
17 & 18 Vict c 102 Corrupt Practices Prevention.
23 & 24 Vict c 19, Dwellings for Labouring Classes (Ireland)
24 & 25 Vict c 109, Salmon Fishery (England)
26 & 27 Vict c 105, Promissory Notes
27 & 28 Vict c 20, Promissory Notes, &c (Ireland).
28 & 29 Vict c 46, Militia Ballots Suspension
28 & 29 Vict c 83, Locomotives on Roads
29 & 30 Vict. c 52, Prosecution Expenses
31 & 32 Vict c 125, Election Petitions and Corrupt Practices
32 & 33 Vict c 21, Election Commissioners Expenses
32 & 33 Vict c 56, Endowed Schools (Schemes)
34 & 35 Vict. c 87, Sunday Observance Prosecutions
35 & 36 Vict c 33, Parliamentary and Municipal Elections (Ballot)
36 & 37 Vict c 48, Regulation of Railways
38 & 39 Vict c 48, Police Expenses
38 & 39 Vict c 84, Returning Officers Expenses
39 & 40 Vict c 21, Juries (Ireland)
41 & 42 Vict c 41, Returning Officers Expenses (Scotland)
41 & 42 Vict c 72, Sale of Liquors on Sunday (Ireland)
43 Vict c 18, Parliamentary Elections

65 PRISON CHARITIES [E]

Applies 16 & 17 Vict c 137, &c, Charitable Trusts Acts, 1853 to 1869

66 PASSENGER VESSELS LICENCES AMENDMENT (SCOTLAND) [S]

Amends 9 Geo 4 c 47, section 10 of 4 & 5 Will 4 c 75, and section 45 of 43 & 44 Vict c 20 (Inland Revenue Act, 1880) as to sale of intoxicating liquors on Sundays on board Passenger Vessels in Scotland

67 SOUTH WALES TURNPIKE ROADS AMENDMENT [W]

Repeals (in part) 7 & 8 Vict c 91, South Wales Turnpike Trusts Act, 1844
Applies 23 & 24 Vict c 51, } Local Taxation Returns Acts, 1860 and 1877
" 40 & 41 Vict c 66, }

68 CORRUPT PRACTICES (SUSPENSION OF ELECTIONS) [E]

Suspends Elections for Boston, Canterbury, Chester, Gloucester, Macclesfield, Oxford and Sandwich

69 INTERMEDIATE EDUCATION (IRELAND) [I]

Amends 41 & 42 Vict c 66, Intermediate Education (Ireland) Act, 1878

70 SUPREME COURT OF JUDICATURE (IRELAND) [L]

Amends 40 & 41 Vict c 57, Supreme Court of Judicature Act (Ireland), 1877

71 APPROPRIATION [U K]

72 REVENUE, FRIENDLY SOCIETIES, AND NATIONAL DEBT [U.K]

Customs and Excise —

Applies 39 & 40 Vict c 36, Customs Consolidation Act, 1876
Amends 23 & 24 Vict c 129, Spirit Duties Act, 1860
" 44 & 45 Vict c 12, Customs, &c Act, 1881
" 43 & 44 Vict c 24, Spirits Act, 1880
" 33 & 34 Vict c 57, Gun Licence Act, 1870
" 43 & 44 Vict c 19, Taxes Management Act, 1880

Table A.—Acts of 45 & 46 Vict. (in order of Chapter), &c.—*continued.*

CH.

72. REVENUE, FRIENDLY SOCIETIES, AND NATIONAL DEBT [U.K.]—*continued.*

Stamps:—

Amends 33 & 34 Vict. c. 97., Stamp Act, 1870.
Exempts certain drafts and receipts for public purposes from stamp duty.
Exempts certain agreements under 44 & 45 Vict. c. 49., Land Law (Ireland) Act, 1881.
Exempts returns by Banking Companies under 25 & 26 Vict. c. 89., &c. (Companies Acts).
Amends 42 & 43 Vict. c. 11., Bankers Books Evidence Act, 1879.
Grants compensation for loss of fees under 44 & 45 Vict. c. 12., Customs, &c. Act, 1881.
As to adhesive stamps for stamp duties and postage duties.
Interprets section 25 of 33 & 34 Vict. c. 97. as to letters and postal packets.
As to stamp duties on patents and registrations of designs under 16 & 17 Vict. c. 58.
As to composition for stamp duty on Canadian Loans: 37 & 38 Vict. c. 26.

National Debt and Miscellaneous:—

Adjustment of account as regards accumulations of fractions of a penny.
Quarterly payment of dividends on 2½ per cents: 33 & 34 Vict. c. 71.
Termination of fortification loans under Acts mentioned in Fourth Schedule.
Provisions as to investment of moneys under Friendly Societies Acts, &c.
Provisions as to payment of commutations under 41 & 42 Vict. c. 63., Prison (Officers Superannuation) Act, 1878.
Amends 36 & 37 Vict. c. 57., Consolidated Fund (Permanent Charges Redemption) Act, 1873, as regards payments to Ecclesiastical Corporations.
Removes doubts as to Crown rights within Duchy of Lancaster: 18 & 19 Vict. c. 58.
Amends 21 & 22 Vict. c. 72. (Sale and Transfer of Land in Ireland) and 40 & 41 Vict. c. 57. (Supreme Court of Judicature, Ireland, Act, 1877) as to fees in proceedings under Land Judges.

73. ANCIENT MONUMENTS PROTECTION [U.K.]

Applies 42 & 43 Vict. c. 49., Summary Jurisdiction Act, 1879.
,, 27 & 28 Vict. c. 53., } Summary Jurisdiction (Scotland) Acts, 1864 and 1881.
,, 44 & 45 Vict. c. 33., }
,, 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.
,, 8 & 9 Vict. cc. 18., 19., Lands Clauses Acts, 1845.

74. POST OFFICE (PARCELS) [U.K.]

Applies 22 & 23 Vict. c. 59., Railway Companies Arbitration Act, 1859.
,, Post Office Acts, 7 Will. 4. & 1 Vict. c. 36., &c.
,, 13 & 14 Vict. c. xxxiii., Railway Clearing Act, 1850.

75. MARRIED WOMEN'S PROPERTY [E. & I.]

Repeals 33 & 34 Vict. c. 93., } Married Women's Property Acts, 1870 and 1874.
,, 37 & 38 Vict. c. 50., }
Applies 13 & 14 Vict. c. 60., Trustee Act, 1850.
,, 31 & 32 Vict. c. 122., Poor Law Amendment Act, 1868.

76. MERCHANT SHIPPING (COLONIAL INQUIRIES) [U.K.]

Amends 17 & 18 Vict. c. 104., &c., Merchant Shipping Acts, 1854 to 1880.
Repeals part of section 242 of 17 & 18 Vict. c. 104.
Applies 25 & 26 Vict. c. 63., Merchant Shipping Act Amendment Act, 1862.
,, 32 & 33 Vict. c. 11., Merchant Shipping Colonial Act, 1869.
,, 39 & 40 Vict. c. 80., Merchant Shipping Act, 1876.

77. CITATION AMENDMENT (SCOTLAND) [S.]

Amends 34 & 35 Vict. c. 42., Citation Amendment (Scotland) Act, 1871.

78. FISHERY BOARD (SCOTLAND) [S.]

Defines the "Herring Fishery Acts," as set out in First Schedule.
Defines the "Salmon Fishery Acts," as set out in Second Schedule.
Applies 31 & 32 Vict. c. 45., } Sea Fishery Acts, 1868 and 1875.
,, 38 & 39 Vict. c. 15., }
Exempts River Tweed as defined by 22 & 23 Vict. c. lxx., Tweed Fisheries Amendment Act; 1859.

Table A.—Acts of 45 & 46 Vict. (in order of Chapter), &c.—*continued.*

CH.

79. INDIA (HOME CHARGES ARREARS) [U.K.]
Provides for arrangement of Accounts between Commissioners of the Treasury and Secretary of State in Council of India.

80. ALLOTMENTS EXTENSION [E.]
Amends 2 & 3 Will. 4. c. 42., Poor Relief Act, 1832.
,, 36 & 37 Vict. c. 19., Poor Allotments Management Act, 1873.
Applies 8 & 9 Vict. c. 118., Inclosure Act, 1845.

81. SOMERSHAM RECTORY [E.]
Recites Letters Patent of King James the First, and Act of 10th year of Queen Anne.
Disannexes Rectory from Regius Professorship of Divinity, and vests same in University of Cambridge.

82. LUNACY REGULATION AMENDMENT [E.]
Amends 16 & 17 Vict. c. 70., ,, 25 & 26 Vict. c. 86., } Lunacy Regulation Acts, 1853 and 1862.

(B.)

Acts of former Sessions (in Chronological Order) Repealed and Amended by Acts of 45 & 46 Vict.

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 45 & 46 Vict.
9 Will. 3. c. 17. -	Promissory Notes and Bills of Exchange.	Repealed -	61
3 & 4 Anne, c. 8. -			
17 Geo. 3. c. 30. -			
37 Geo. 3. c. 25. in part	Militia (Tower Hamlets) -	Repealed -	49
39 & 40 Geo. 3. c. 42. -	Better observance of Good Friday	Repealed -	61
,, c. 67. -	Act of Union with Ireland -	Amended -	26
42 Geo. 3. c. 72. in part -	Raising a body of Miners for defence of Great Britain.	Repealed -	49
,, c. 90. in part -	Militia (England) - -	Repealed -	49
,, c. 91. in part -	Militia (Scotland) - -	Repealed -	49
43 Geo. 3. c. 50. in part -	Militia (Great Britain) - -	Repealed -	49
,, c. 129. s. 5. -	Coffee Duties - - -	Repealed -	41
48 Geo. 3. c. 88. - -	Promissory Notes and Bills of Exchange.	Repealed -	61
49 Geo. 3. c. 120. in part -	Militia (Ireland) - -	Repealed -	49
51 Geo. 3. c. 114. - -	Regiment of Miners of Cornwall and Devon.	Repealed -	49
,, c. 118. - -	British and Irish Militias -	Repealed -	49
52 Geo. 3. c. 29. - -	Militia (Ireland) - -	Repealed -	49
53 Geo. 3. c. 48. ss. 3–5. -			
,, c. 132. - -	Militia (Tower Hamlets) -	Repealed -	49
55 Geo. 3. c. 65. (except s. 8.)	Militia (Great Britain) - -	Repealed -	49
1 Geo. 4. c. 100. in part -	Militia (City of London) -	Repealed -	49
1 & 2 Geo. 4. c. 78. - -	Bills of Exchange - -	Repealed -	61
4 Geo. 4. c. 52. - -	Felo de se Act, 1828 - -	Repealed -	19
7 Geo. 4. c. 64. s. 27. - -	Administration of Criminal Justice.	Repealed -	55
7 & 8 Geo. 4. c. 15. - -	Bills of Exchange and Promissory Notes.	Repealed -	61
9 Geo. 4. c. 24. in part -	Bills of Exchange and Promissory Notes (Ireland).	Repealed -	61

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 45 & 46 Vict.
9 Geo. 4. c. 47. - -	Sale of Liquors on Passenger Vessels.	Amended -	66
2 & 3 Will. 4. c. 42. - -	Poor Relief Act, 1832 - -	Amended -	80
,, c. 98. - -	Bills of Exchange - -	Repealed -	61
3 & 4 Will. 4. c. 15. - -	Copyright - - -	Amended -	40
,, c. 74. in part -	Fines and Recoveries - -	Repealed -	39
4 & 5 Will. 4. c. 36. s. 22. in part.	Central Criminal Court -	Repealed -	55
,, c. 75. s. 10. -	Sale of Liquors on Passenger Vessels.	Amended -	66
,, c. 76. in part -	Poor Law Act, 1834 - -	Repealed -	58
,, c. 92. in part -	Fines and Recoveries (Ireland)	Repealed -	39
5 & 6 Will. 4. c. 50. s. 30. -	Highway Act, 1835 - -	Repealed -	27
,, c. 69. in part -	Parish Property Act, 1835 -	Repealed -	58
6 & 7 Will. 4. c. 58. - -	Bills of Exchange - -	Repealed -	61
,, c. 71. s. 56. -	Commutation of Tithes -	Repealed -	37
5 & 6 Vict. c. 14. - -	Corn Importation Act, 1842 -	Repealed -	37
,, c. 18. in part -	Parish Property Act, 1842 -	Repealed -	58
7 & 8 Vict. c. 2. s. 1. in part -	Offences at Sea - - -	Repealed -	55
,, c. 91. in part -	Turnpike Trusts (South Wales)	Repealed -	67
8 & 9 Vict. c. 18. - -	Lands Clauses Consolidation Act, 1845.	Amended -	15
,, c. 37. s. 24. -	Issue of Bank Notes in Ireland	Repealed -	61
9 & 10 Vict. c. 74. ss. 24, 27.	Public Baths and Wash Houses	Amended -	30
,, c. 95. s. 91. in part.	County Courts - - -	Repealed -	57
14 & 15 Vict. c. 57. ss. 127–130.	Civil Bills, &c. (Ireland) -	Repealed -	29
,, c. 93. - -	Petty Sessions (Ireland) -	Amended -	24
15 & 16 Vict. c. 50. in part -	Militia (England) - -	Repealed -	49
,, c. 79. - -	Inclosure Act, 1852 - -	Amended -	15
16 & 17 Vict. c. 45. in part -	Government Annuities - -	Repealed -	51
,, c. 70. - -	Lunacy Regulation - -	Amended -	82
17 & 18 Vict. c. 75. - -	Acknowledgment of Deeds by Married Women.	Repealed -	39
,, c. 97. - -	Inclosure Act, 1854 - -	Amended -	15
,, c. 104. - -	Merchant Shipping Act, 1854 -	Amended -	55 and 76
,, c. 105. in part -	Militia - - - -	Repealed -	12 and 49
18 & 19 Vict. c. 120. - -	Metropolis Management Act, 1855.	Amended -	14
,, c. 122. - -	Metropolitan Building Act, 1855	Amended -	14
19 & 20 Vict. c. 60. in part -	Mercantile Law (Scotland) Amendment Act, 1856.	Repealed -	61
,, c. 97. ss. 6, 7. -	Mercantile Law Amendment Act, 1856.	Repealed -	61
20 Vict. c. 19. in part -	Poor Law Act, 1857 - - -	Repealed -	58
21 & 22 Vict. c. 72. - -	Sale and Transfer of Land (Ireland).	Amended -	72
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24 & 25 Vict. c. 45. - -	Pier and Harbour Act, 1861 -	Amended -	62
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29 & 30 Vict. c. 14. s. 2. in part.	County Courts	Repealed	57
30 & 31 Vict. c. 110.	Reserve Force Act, 1867	Repealed	48
,, c. 111.	Militia Reserve Act, 1867	Repealed	48
,, c. 142. s. 5.	County Courts	Amended	57
31 & 32 Vict. c. 37.	Documentary Evidence	Amended	9
,, c. 102. s. 3.	General Police, &c. (Scotland)	Repealed	6
32 & 33 Vict. c. 41.	Poor Rate Assessment and Collection.	Amended	20
,, c. 66	Militia Pay, &c.	Repealed	49
,, c. 102	Metropolitan Board of Works (Loans).	Amended	33
33 & 34 Vict. c. 57.	Gun Licence Act, 1870	Amended	72
,, c. 67. in part	Army Enlistment Act, 1870	Repealed	48 and 49
,, c. 93.	Married Women's Property	Repealed	75
,, c. 97.	Stamp Act, 1870	Amended	72
34 & 35 Vict. c. 36.	Pensions Commutation	Amended	44
,, c. 42.	Citation (Scotland)	Amended	77
,, c. 74	Bills of Exchange and Promissory Notes.	Repealed	61
,, c. 86. in part	Regulation of the Forces Act, 1871.	Repealed	48 and 49
,, c. 108.	Pauper Inmates Discharge, &c.	Amended	36
35 & 36 Vict. c. 20. in part	Customs Act, 1872	Repealed	41
,, c. 77.	Metalliferous Mines	Amended	3
36 & 37 Vict. c. 19.	Poor Allotments	Amended	80
,, c. 50.	Places of Worship Sites	Amended	21
,, c. 57.	Consolidated Fund (Permanent Charges Redemption) Act, 1873.	Amended	72
,, c. 68. s. 6.	Militia Service	Repealed	48
,, c. 84. s. 1.	Militia Pay	Repealed	49
37 & 38 Vict. c. 29.	Militia Law Amendment Act, 1874.	Repealed	49
,, c. 50.	Married Women's Property	Repealed	75
,, c. 80.	Irish Constabulary	Amended	63
,, c. 86. s. 5. in part.	Irish Reproductive Loan Fund Act, 1874.	Repealed	16
38 & 39 Vict. c. 36.	Artizans Dwellings	Amended	54
,, c. 55. s. 314.	Public Health	Amended	23
,, c. 60. in part	Friendly Societies	Repealed	35
,, c. 65.	Metropolitan Board of Works (Money).	Amended	33
,, c. 69.	Militia (Voluntary Enlistment) Act, 1875.	Repealed	49
,, c. 89. s. 13.	Public Works Loans Act, 1875	Repealed	62
39 & 40 Vict. c. 35. in part	Customs: Coffee Duties	Repealed	41
,, c. 43.	Isle of Man (Officers)	Amended	46
,, c. 61.	Divided Parishes, &c. Act, 1876	Amended	58
,, c. 80. in part	Merchant Shipping Act, 1876	Repealed	55
,, c. 81.	Crossed Cheques Act, 1876	Repealed	61
40 & 41 Vict. c. 18. in part	Settled Estates Act, 1877	Repealed	38
,, c. 27. s. 11.	Public Works Loans (Ireland) Act, 1877.	Repealed	62
,, c. 44.	Superannuation (Mercantile Marine).	Repealed	55

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,, c. 57.	Supreme Court of Judicature (Ireland).	Amended	70 and 72
41 & 42 Vict. c. 10. in part	Mutiny Act, 1878	Repealed	48 and 49
,, c. 13.	Bills of Exchange Act, 1878	Repealed	61
,, c. 23.	Acknowledgment of Deeds by Married Women (Ireland).	Repealed	30
,, c. 31.	Bills of Sale	Amended	43
,, c. 66.	Intermediate Education (Ireland)	Amended	69
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,, c. 32. s. 5. in part.	Army Discipline and Regulation (Commencement) Act, 1879	Repealed	48 and 49
,, c. 33.	Army Discipline and Regulation Act, 1879.	Repealed	48
,, c. 63.	Artizans Dwellings	Amended	54
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43 Vict. c. 6.	Beer Dealers Retail Licences	Amended	34
43 & 44 Vict. c. 19.	Taxes Management Act, 1880	Amended	72
,, c. 20. s. 45.	Sale of Liquors on Passenger Vessels.	Amended	66
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,, c. 49.	Land Law (Ireland) Act, 1881	Amended	60 and 62
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5 & 6 Will. 4. c. 76.	Municipal Corporations Act, 1835.
6 & 7 Will. 4. c. 77. s. 26.	Ecclesiastical Duties and Revenues
,, c. 103. (except s. 6.)	Municipal Corporation (Boundaries) Act, 1836.
,, c. 104.	Municipal Corporation (Borough Fund) Act, 1836.
,, c. 105.	Municipal Corporation (Justices, &c.) Act, 1836.
7 Will. 4. & 1 Vict. c. 78.	Municipal Corporation (General) Act, 1837.
,, c. 81.	Municipal Corporation (Watch Rate) Act, 1837.
1 & 2 Vict. c. 31.	Municipal Corporation (Benefices) Act, 1838.
,, c. 35.	Stamp duty on admission to freedom.

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2 & 3 Vict c 27 -	Municipal Corporation (Borough Courts) Act, 1839
,, c 28 -	Municipal Corporation (Watch Rate) Act, 1839
3 & 4 Vict c 28 -	Municipal Corporation (Watch Rate) Act, 1840
4 & 5 Vict c 48 -	Municipal Corporations (Poor Rates)
6 & 7 Vict c 89	Municipal Corporation Act, 1843
8 & 9 Vict c 110	Municipal Corporation (Rates) Act, 1845
11 & 12 Vict c 93	Incorporation of certain boroughs.
12 & 13 Vict c 65	Levying and collecting county rates, &c
,, c 82 s 1.	Boroughs contribution to county expenditure
13 & 14 Vict c 42	Municipal Corporation (Incorporation) Act, 1850
,, c 64 -	Municipal Corporation (Bridges) Act, 1850
,, c 91 s 9	Municipal Corporation (Justices) Act, 1850
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15 & 16 Vict c. 81 s. 38	County Rates
16 & 17 Vict c 79 -	Municipal Corporation Act, 1853
,, c 137 s 65	Charitable Trusts Act, 1853
20 & 21 Vict c 50. -	Municipal Corporation Act, 1857
21 & 22 Vict c 43. -	Municipal Franchise
22 Vict c 35 - -	Municipal Corporation Act, 1859.
22 & 23 Vict c 32 ss 5, 6	Police (Counties and Boroughs)
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32 & 33 Vict c 23	Municipal Corporation (Recorders) Act, 1869
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,, c 60 -	Corrupt Practices (Municipal Elections) Act, 1872
36 & 37 Vict c 33 -	Municipal Corporations Evidence Act, 1873
37 & 38 Vict c 59	Working Men's Dwellings Act, 1874
38 & 39 Vict c 40 -	Municipal Elections Act, 1875
39 & 40 Vict c 61 s 30	Divided Parishes and Poor Law Amendment Act, 1876
40 & 41 Vict c 69 -	Municipal Corporations (New Charters) Act, 1877
41 & 42 Vict c 26 ss 20, 34, 41	Parliamentary and Municipal Registration Act, 1878

II.—*Enactments repealed only as to Boroughs within this Act.*

3 Edw 1 c 6 in pt	Statutes of Westminster, the first Amerciaments
,, c 31 in pt -	Statutes of Westminster, the first Excessive toll in market town
15 Rich 2 c 5 in pt -	St 7 Edw I de Religiosis
2 & 3 Phil & Mary c 18	Commissions of the peace and gaol delivery in towns, &c
7 Jas 1 c 5 in pt -	Pleading against troublesome and contentious suits presented against justices of the peace, mayors, &c.
21 Jas 1 c 12 in pt -	
11 Geo 1 c 4. - -	Elections of mayors or other chief magistrates of boroughs or corporations, &c
12 Geo 3 c 21. -	Relief in proceedings upon writs of mandamus for admission of freemen into corporations &c
32 Geo 3 c 58 -	Amendment of the law in proceedings upon information in nature of quo warranto
55 Geo. 3 c 51 -	Amending Act of George the Second, for more easy assessing, collecting, &c of county rates
57 Geo 3 c 91 - -	Fees taken by clerks of the peace of counties, &c
2 & 3 Will 4 c 69	Preventing application of corporate property to purposes of election of members of Parliament
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5 & 6 Vict. c. 104. -	Municipal Corporation Act, 1842.
15 & 16 Vict. c. 5. -	Municipal Corporation Act, 1852.
23 & 24 Vict. c. 16. -	Municipal Corporation (Mortgages, &c.) Act, 1860.
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,, c. 66. in pt.	Local Taxation Returns Act, 1877.
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45 & 46 VICTORIA.—A.D. 1882.

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